

**AGENDA
PUBLIC MEETING
BOROUGH OF MONTVALE
Mayor and Council Meeting
May 11, 2021
Meeting to Commence 7:30 P.M.
(No Closed Executive Session)**

ROLL CALL:

Councilmember Arendacs	Councilmember Lane
Councilmember Curry	Councilmember Roche
Councilmember Koelling	Councilmember Russo-Vogelsang

2021 BUDGET PRESENTATION: Councilmember Timothy Lane/Finance
Councilmember Christopher Roche/Finance

PUBLIC HEARING 2021 MUNICIPAL BUDGET

MEETING OPEN TO PUBLIC:

Municipal Budget Only

MEETING CLOSED TO PUBLIC:

Municipal Budget Only

Resolution 93-2021-Adoption of 2021 Municipal Budget

ADOPTION 2021 MUNICIPAL BUDGET:

Roll Call:

Councilmember Arendacs	Councilmember Lane
Councilmember Curry	Councilmember Roche
Councilmember Koelling	Councilmember Russo-Vogelsang

ORDINANCES:

PUBLIC HEARING ORDINANCE NO. 2021-1501 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, REPEALING AND REPLACING CHAPTER 274 ENTITLED "NOISE" TO READOPT CERTAIN EXISTING NOISE RESTRICTIONS

PUBLIC HEARING ORDINANCE NO. 2021-1502 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, ADOPTING A NEW CHAPTER 275 ENTITLED "NOISE CONTROL ACT" TO ADOPT A MUNICIPAL NOISE ORDINANCE PURSUANT TO THE NOISE CONTROL ACT OF 1971

INTRODUCTION ORDINANCE NO. 2021-1504 AN ORDINANCE TO AMEND SALARY ORDINANCE NO. 2021-1498 TO PROVIDE FOR AND DETERMINE THE RATE, AMOUNT AND METHOD OF PAYMENT OF COMPENSATION TO PERSONS HOLDING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF MONTVALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY FOR THE YEAR 2021
(Public Hearing 5-25-21)

INTRODUCTION ORDINANCE NO. 2021-1505 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 400 OF THE BOROUGH CODE TO PROHIBIT THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES
(Public Hearing 6-10-21)

INTRODUCTION ORDINANCE NO. 2021-1506 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING THE BOROUGH CODE TO ADD A NEW CHAPTER 250 ENTITLED "LIGHTING" TO REGULATE OUTDOOR LIGHTING IN THE BOROUGH OF MONTVALE
(Public Hearing 6-10-21)

MEETING OPEN TO PUBLIC:

Agenda Items Only

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

April 27, 2021

CLOSED/EXECUTIVE MINUTES:

April 27, 2021

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.

94-2021 Governor's Council on Alcoholism & Drug Abuse Fiscal Grant Cycle July 2020-June 2025

95-2021 Refund Overpayment of Taxes/ Due to Veteran Exempt Status

96-2021 Refund Tax Overpayment / Block 803; Lot 7 / 47 Middletown Road

97-2021 Authorize Change Order No. 1/Cifelli & Sons/NJDOT FY2019 Edgren Way & Ramapo Road Improvements

98-2021 Authorize Hiring / Part Time on Call / Crossing Guard / Cynthia Meeks

99-2021 Award Professional Service Contract /Engineering Services /2021 Bergen County Municipal Park Improvement Grant Application/Memorial Field Playground Accessibility & Play Surface Improvements

BILLS:

REPORT OF REVENUE:

COMMITTEE REPORTS:

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

- a. 2021 Road Improvement Program/Listing of Proposed Roads
- b. Report Receipt of Bids/Bocci Courts

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

UNFINISHED BUSINESS:

- a. Review Prior Adopted Resolution Authorizing Temporary Outdoor Operating Permits for Gyms, Fitness Center, Yoga Studio/Proposed Extension of Time/Proposed Draft Extension Until 12-31-2021

NEW BUSINESS:

- a. Re-Schedule Mayor & Council Meeting of June 8th, 2021 to Thursday June 10th, 2021 due to Primary Elections/Montvale Municipal Building new District #4 polling location.

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:

Next Meeting of the Mayor & Council will be on May 25th, 2021: Please Note: May 25th will resume in-person attendance only for participation at Mayor & Council Meetings. The method of Hybrid (In-Person and Zoom) will cease.

June Public Meeting Date Thursday, June 10th 7:30 p.m.

ZOOM information is as follows:

Topic: M&C Meeting

<https://us02web.zoom.us/j/88491084325?pwd=L2U5RVpYMGIMeFdaNzdGcFFWUTd3UT09>

Passcode: 222775

By phone

1 929 436 2866

Webinar ID: 884 9108 4325

Passcode: 222775

*******Disclaimer***** Subject to Additions /Or Deletions**

**OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 93-2021**

RE: ADOPTION 2021 MUNICIPAL BUDGET

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: May 11, 2021

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

SECTION 2 - UPON ADOPTION FOR YEAR 2021

Be it Resolved by the **COUNCIL MEMBERS** of the **RESOLUTION 93-2021** of the **BOROUGH** of **MONTVALE**, County of **BERGEN**, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 12,031,140.00 (Item 2 below) for municipal purposes, and
 (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
 (c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
 (d) \$ 103,979.00 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
 (e) \$ - (Sheet 44) Arts and Culture Trust Fund Levy
 (f) \$ 778,684.00 (Item 5 Below) Minimum Library Tax

RECORDED VOTE

(Insert last name)

Ayes

Nays

Abstained

Absent

1. General Revenues

SUMMARY OF REVENUES

Surplus Anticipated	08-100	\$	3,650,000.00
Miscellaneous Revenues Anticipated	13-099	\$	3,343,373.00
Receipts from Delinquent Taxes	15-499	\$	200,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	07-190	\$	12,031,140.00
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 42	07-195	\$	-
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$	-
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY		\$	-
4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191		
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX	07-192	\$	778,684.00
Total Revenues	13-299	\$	20,003,197.00

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:	XXXXXX	XXXXXXXXXXXXXX
Within "CAPS"	XXXXXX	XXXXXXXXXXXXXX
(a & b) Operations Including Contingent	34-201	\$ 10,660,929.00
(e) Deferred Charges and Statutory Expenditures - Municipal	34-209	\$ 1,358,767.00
(g) Cash Deficit	46-885	\$ -
Excluded from "CAPS"	XXXXXX	XXXXXXXXXXXXXX
(a) Operations - Total Operations Excluded from "CAPS"	34-305	\$ 4,399,109.00
(c) Capital Improvements	44-999	\$ 310,000.00
(d) Municipal Debt Service	45-999	\$ 1,599,650.00
(e) Deferred Charges - Municipal	46-999	\$ -
(f) Judgments	37-480	\$ -
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)	29-405	\$ -
(g) Cash Deficit	46-885	\$ -
(k) For Local District School Purposes	29-410	\$ -
(m) Reserve for Uncollected Taxes	50-899	\$ 1,674,742.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13)	07-195	
Total Appropriations	34-499	\$ 20,003,197.00

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 11th day of May, 2021. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2021 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 11th day of May, 2021, Maureen Iarossi-Alwan, Clerk

BOROUGH OF MONTVALE

ORDINANCE NO. 2021-1501

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 27th day of April 2021, 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 11th day of May 2021 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, COUNTY OF BERGEN, STATE OF NEW JERSEY, REPEALING AND REPLACING CHAPTER 274 ENTITLED "NOISE" TO READOPT CERTAIN EXISTING NOISE RESTRICTIONS

WHEREAS, the Borough of Montvale currently regulates unnecessary noise through an ordinance codified in Chapter 274 of the Borough Code entitled "Noise"; and

WHEREAS, Chapter 274 does not contain any measurable noise standards but rather prohibits noise that is unreasonable and unnecessary; and

WHEREAS, by separate ordinance, the Borough will be adopting the NJDEP Model Noise Ordinance to provide for certain measurable standards for noise complaints; and

WHEREAS, despite this, the Borough is still desirous of maintaining standards that prohibit objectively unreasonable and unnecessary noise, to protect the health, safety and welfare of the public and to help maintain the neighborhood character of the Borough.

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

Section 1. Chapter 274 shall be repealed and replaced as follows:

**Article I
Noise**

- §274-1 Unnecessary noise prohibited.**
- §274-2 Enumeration of unnecessary noises.**
- §274-3 Violations and penalties.**
- §274-4 Enforcement.**

**Article I
Noise**

- §274-1 Unnecessary noise prohibited.**

It shall be unlawful to make, create, cause, suffer, encourage or permit to be made any unnecessary, loud, prolonged or disturbing noise within the limits of the Borough of Montvale.

§274-2 Enumeration of unnecessary noises.

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line in an unnecessarily loud manner and which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, nor shall any person refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Police Officer or other authorized enforcement officer. The following noises, which enumeration shall not be exclusive, are declared to be a nuisance and a violation of this Article to the extent that such noises are determined to be "unreasonably and unnecessarily loud":

- A. The sounding of any horn or signal device on any premises, within any building or on any automobile, motorcycle, bus or other vehicle, except as a necessary warning or danger signal.
- B. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- C. The discharge into the open air or the exhaust of any motor vehicle or engine, except through a muffler which effectively prevents loud, explosive noises therefrom, or discharging any pistol, gun, firearm, weapon or explosive.
- D. The use, operation or running of any automobile, motorcycle, mechanical equipment or vehicle so out of repair or in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise, whether upon the streets or highways or adjacent thereto.
- E. The creation of any excessive or unnecessary noise on any street or grounds adjacent thereto within 500 feet of any school, place of worship, public meeting or court while the same is in session, or any hospital, short-term care facility or nursing home at any time which interferes with the orderly, quiet and effective conduct and operation of the same.
- F. The use of any drum, band, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any rally, performance, show, carnival, fair or the sale of either real or personal property, except when permission has been granted by the Borough or some authorized person or committee acting under its authority. This shall not be construed to prevent or limit religious, political or patriotic activities, if conducted within the limits set forth in Chapter 275 hereof.
- G. Nothing contained herein shall be construed to limit the use of a horn, buzzer, whistle or similar signaling device for control of a sporting event at any school, athletic field or similar venue, as long as any such signaling device is used solely for the reasonable control of the athletic event. Notwithstanding the foregoing, no such signaling devices shall be permitted for use other than between the following hours:
 - 1. Monday through Thursday: 8:00 a.m. through 9:00 p.m.
 - 2. Friday and Saturday: 8:00 a.m. through 10:00 p.m.
 - 3. Sunday: 9:00 a.m. through 5:00 p.m.

H. Vibration. Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property, or at fifty (50) feet from the source if on a public space or public right-of-way. For purposes of this section, "vibration perception threshold" means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

I. Radios, television sets, sound amplifiers and similar devices;

1. Operating or permitting the use or operation of any radio receiving set, television set, musical instrument, stereo, sound system, drum, phonograph or other device for the production or reproduction of sound, except as provided for in subsection (F) of this section hereafter set forth.
2. Operating any such device on weekdays between the hours of 10:00 p.m. and 7:00 a.m. the following day and, in the event the following day is a Sunday or legal holiday, between the hours of 10:00 p.m. and 9:00 a.m. the following day, in such a manner as to be plainly audible or to create a noise disturbance across a real property boundary or through partitions common to two parties within the same building.
3. Operating any such device in such a manner as to be plainly audible or to create a noise disturbance at fifty (50) feet from such device when operated in a public space or public right-of-way, when operated in or on a motor vehicle on a public space or public right-of-way or in such a manner as to be audible to any person other than the operator when operated on a common carrier by any passenger.

§274-3 Violations and penalties.

Violations of this Article shall be subject to the penalties set forth in Chapter 1, General Provisions, Article I, General Penalty.

§274-4 Enforcement.

It shall be the duty of any Police Officer of the Borough of Montvale to enforce the provisions of this Article against any person found to be violating the same.

Section 2. Severability.

If any provision or portion of a provision of this Ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated and shall remain in full force and effect.

Section 3. Effective date.

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

Section 4. Repeal of inconsistent ordinances.

All ordinances and parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

MICHAEL GHASSALI, Mayor

ATTEST:

MAUREEN IAROSHI-ALWAN, RMC
Municipal Clerk

INTRODUCTION: 4-27-2021

Councilmember	Yes	No
Arendacs		
Curry		
Koelling		
Lane		
Roche		
Russo-Vogelsang		

ADOPTED: 5-11-2021

Councilmember	Yes	No
Arendacs		
Curry		
Koelling		
Lane		
Roche		
Russo-Vogelsang		



State of New Jersey

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF COMPLIANCE OPERATIONS & COORDINATION
BUREAU OF LOCAL ENVIRONMENTAL MANAGEMENT AND RIGHT TO KNOW
MAIL CODE 22-03C, P.O. BOX 420
TRENTON NJ 08625-0420
Tel. (609) 292-1305
Fax. (609) 292-1816

SHAWN M. LATOURETTE
Acting Commissioner

Boggia Boggia Betesh & Voytus
Attention: Joseph W. Voytus, Esq.
71 Mt. Vernon Street
Ridgefield Park, New Jersey 07660

April 15, 2020

Dear Mr. Voytus,

Thank you for re-submitting the Borough of Montvale's (Montvale) Noise Ordinance for the New Jersey Department of Environmental Protection's review and approval. While we recommend that the curfew hours in Montvale's Ordinance reflect the curfews set in our Model Noise Ordinance, we acknowledge that the proposed curfew hours still make the Ordinance more stringent than the State Regulations under N.J.A.C. 7:29, which is required by law. The ordinance is therefore approved.

I commend Montvale for addressing the noise concerns of its residents. If you have any questions regarding this, feel free to contact me at (609) 984-0272.

Sincerely,

David Triggs, Noise Coordinator
Compliance and Enforcement
Division of Compliance Operations and
Coordination

c: Hansel Asmar, Bergen County HO

BOROUGH OF MONTVALE

ORDINANCE NO. 2021-1502

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 27th day of April 2021, 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 11th day of May 2021 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.

AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, ADOPTING A NEW CHAPTER 275 ENTITLED "NOISE CONTROL ACT" TO ADOPT A MUNICIPAL NOISE ORDINANCE PURSUANT TO THE NOISE CONTROL ACT OF 1971

WHEREAS, the Borough of Montvale currently regulates unnecessary noise through an ordinance codified in Chapter 274 of the Borough Code entitled "Noise"; and

WHEREAS, Chapter 274 does not contain any measurable noise standards but rather prohibits noise that is unreasonable and unnecessary; and

WHEREAS, the Borough is desirous of adopting a new Chapter 275, entitled "Noise Control Act," to implement Model Noise Ordinance prepared by the New Jersey Department of Environmental Protection pursuant to the Noise Control Act of 1971, with certain amendments to incorporate a number of existing, more restrictive standards in the Borough Code; and

WHEREAS, the Borough believes that adoption of this Ordinance will allow for, in addition to existing subjective standards, a set of objective and measurable standards of noise that may be more easily enforceable in addition to the existing standards set forth in Chapter 274; and

WHEREAS, this Ordinance has been provided to the NJDEP Bureau of Local Environmental Management and has been approved; and

WHEREAS, within 30 days after adoption of this Ordinance, a copy of same shall be sent to the NJDEP by the Borough Clerk in accordance with applicable regulations; and

WHEREAS, because the NorthWest Bergen Regional Health Commission shall have enforcement powers pursuant to this Ordinance, the Borough must obtain consent of the NWBRHC and provide a copy of same to the NJDEP; and

WHEREAS, this Ordinance shall not be effective until approved by the NJDEP and the NWBRHC.

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

Section 1. The Borough Code shall be amended and supplemented by adding a new Chapter 275 entitled "Noise Control Act," as follows:

CHAPTER 275 – NOISE CONTROL ACT

Article I Noise Control Act

§275-1	Declaration of Findings and Policy.
§275-2	Definitions.
§275-3	Applicability.
§275-4	Exemptions.
§275-5	Enforcement Officers.
§275-6	Measurement Protocols.
§275-7	Maximum Permissible Sound Levels.
§275-8	Sound Production Devices.
§275-9	Restricted Uses and Activities.
§275-10	Motor Vehicles.
§275-11	Enforcement.
§275-12	Consistency, Severability and Repealer.

Article I Noise Control Act

§274-1 Declaration of Findings and Policy.

The Borough of Montvale has determined that: 1) excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; 2) a substantial body of science and technology exists by which excessive sound may be substantially abated; and 3) the people have a right to, and should be ensured of, an environment free from excessive sound,

It is therefore the policy of the Borough of Montvale to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This Article shall apply to the control of sound originating from sources within the Borough of Montvale.

§274-2 Definitions.

The following words and terms, when used in this Article, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this Article have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

"Minor Violation" means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

"Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

- A. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
- B. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Noise Control Investigator" (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Plainly audible" means any sound that can be detected by an NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

"Sound production device" means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

"Sound reduction device" means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

§275-3 Applicability.

A. This model noise ordinance applies to sound from the following property categories:

1. Industrial facilities;
2. Commercial facilities;
3. Community service facilities;
4. Residential properties;
5. Multi-use properties;
6. Public and private right-of-ways;
7. Public spaces; and
8. Multi-dwelling unit buildings.

- B. This model noise ordinance applies to sound received at the following property categories:
1. Commercial facilities;
 2. Community service facilities (i.e. non-profits and/or religious facilities)
 3. Residential properties;
 4. Multi-use properties;
 5. Multi-dwelling unit buildings.
- (C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

§275-4 Exemptions.

- A. Except as provided in Sections 9 and 10 below, the provisions of this Article shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.
- B. Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.
- C. Construction and demolition activities are exempt from the sound level limits set forth in tables I and II and III except as provided for in Section 9 below.

§275-5 Enforcement Officers.

- A. Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this Article and pursue enforcement activities.
- B. Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this Article that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.
- C. Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.

§275-6 Measurement Protocols.

- A. Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in Section 6B of this Article and with the definition of "real property line" as contained herein.

- B. When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

§275-7 Maximum Permissible Sound Levels.

- A. No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in Section 3A above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in Section 6B.

- B. Impulsive Sound

Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

**TABLE I
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED OUTDOORS**

RECEIVING PROPERTY CATEGORY	Residential property or residential portion of a multi-use property		Commercial facility, non-residential portion of a multi-use property, or community service facility
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours
Maximum A- Weighted sound level standard, dB	65	50	65

TABLE II
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED INDOORS

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility or non-residential portion of a multi-use property
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 Hours
Maximum A- Weighted sound level standard, dB	55	40	55

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

TABLE III
MAXIMUM PERMISSIBLE OCTAVE BAND
SOUND PRESSURE LEVELS IN DECIBELS

RECEIVING PROPERTY CATEGORY	RESIDENTIAL PROPERTY, OR RESIDENTIAL PORTION OF A MULTI- USE PROPERTY		RESIDENTIAL PROPERTY, OR RESIDENTIAL PORTION OF A MULTI- USE PROPERTY		COMMERCIAL FACILITY, NON- RESIDENTIAL PORTION OF A MULTI-USE PROPERTY, OR COMMUNITY SERVICE FACILITY	COMMERCIAL FACILITY OR NON- RESIDENTIAL PORTION OF A MULTI-USE PROPERTY
	OUTDOORS		INDOORS		OUTDOORS	INDOORS
Octave Band Center Frequency, Hz.	Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB
Time Freq.	7 a.m.-10 p.m.	10 p.m.-7 a.m.	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours	24 hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57
500	63	48	53	38	63	53
1,000	60	45	50	35	60	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	43	28	53	43

Note: When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

§275-8 Sound Production Devices.

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in Section 6B of this Article. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

**TABLE IV
MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS
WITHIN A RESIDENTIAL PROPERTY**

Week nights 10:00 p.m. - 7:00 a.m. Weekend nights 11:00 p.m. and 9:00 a.m.	All other times
3 dB(C)	6 dB(C)

§275-9 Restricted Uses and Activities.

The following standards shall apply to the activities or sources of sound set forth below:

- A. Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant may only be operated between the following hours, unless such activities can meet the applicable limits set forth in Tables I, II or III:
1. Monday through Friday: 7:00 a.m. and the earlier of sunset or 8:00 p.m.
 2. Saturday: 9:00 a.m. and the earlier of sunset or 6:00 p.m.
 3. Sunday: Not permitted (except landscaping activities between 9:00 a.m. and the earlier of sunset or 6:00 p.m.)

All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device. During the above time periods, the limits set forth in Table I, II or III shall not apply.

- B. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) may only be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the following hours, unless such activities can meet the limits set forth in Tables I, II or III:

1. Monday through Friday: 7:00 a.m. and the earlier of sunset or 8:00 p.m.
2. Saturday: 9:00 a.m. and the earlier of sunset or 6:00 p.m.
3. Sunday: Not permitted

All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device. During the above time periods, the limits set forth in Table I, II or III shall not apply.

- C. All construction and demolition activity, excluding emergency work, may only be performed between the following hours, unless such activities can meet the limits set forth in Tables I, II or III:

1. Monday through Friday: 7:00 a.m. and the earlier of sunset or 8:00 p.m.
2. Saturday: 9:00 a.m. and the earlier of sunset or 6:00 p.m.
3. Sunday: Not permitted

All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device. During the above time periods, the limits set forth in Table I, II or III shall not apply.

- D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. During the operation of such equipment, the limits set forth in Tables I, II or III shall not apply.

- E. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. During the permissible duration of operation, the limits set forth in Tables I, II or III shall not apply.

- F. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound from such equipment, operated on a public space or public right-of-way, shall not be plainly audible at a distance of 25 feet in any direction from the operator.

- G. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:

1. Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,

2. Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

- H. Any of the foregoing time limitations may be temporarily relaxed in cases of urgent necessity or in the interest of public safety and in such cases only under written authorization from the Construction Official, or in cases where the Governing Body determines: 1) that the proposed activity will not unreasonably disturb any member of the public as a result of the creation of such noise; or 2) that the benefits of the proposed activity substantially outweigh the detriments of any such disturbance.

§275-10 Motor Vehicles.

Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.

- A. No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.
- B. No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.
- C. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.
- D. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

§275-11 Enforcement.

- A. Violation of any provision of this Article shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.
- B. Any person who violates any provision of this Article shall be subject to the penalties set forth in Chapter 1, Article I, General Penalty. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- C. Upon identification of a violation of this Article the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Article that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.

- D. If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section 2 of this Chapter) a NOV shall be issued to the violator.
1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.
 2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by a Noise Control Officer or Noise Control Investigator, as appropriate. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.
- E. If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to Chapter 1, Article I, General Penalty, will be issued. If a non-minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.
- F. The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.
- G. The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.
- H. The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.
- I. Any claim for a civil penalty may be compromised and settled based on the following factors:
1. Mitigating or any other extenuating circumstances;
 2. The timely implementation by the violator of measures which lead to compliance;
 3. The conduct of the violator; and
 4. The compliance history of the violator.

§275-12 Consistency, Severability and Repealer.

- A. If any provision or portion of a provision of this Article is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Article shall not be invalidated.

- B. All ordinances or parts of ordinances, which are inconsistent with any provisions of this Article, are hereby repealed as to the extent of such inconsistencies.
- C. No provision of this Article shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this Article or from other law.

Section 2. Severability.

If any provision or portion of a provision of this Ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated and shall remain in full force and effect.

Section 3. Effective date.

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

Section 4. Repeal of inconsistent ordinances.

All ordinances and parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Borough of Montvale

MICHAEL GHASSALI, Mayor

ATTEST:

MAUREEN IAROSSE-ALWAN, RMC
Municipal Clerk

INTRODUCTION: 4-27-2021

Councilmember	Yes	No
Arendacs		
Curry		
Koelling		
Lane		
Roche		
Russo-Vogelsang		

ADOPTED: 5-11-2021

Councilmember	Yes	No
Arendacs		
Curry		
Koelling		
Lane		
Roche		
Russo-Vogelsang		

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY**

ORDINANCE NO. 2021-1504

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 11th day of May 2021, 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 25th day of May 2021 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 TO AMEND ORDINANCE NO. 2021-1498 TO PROVIDE FOR AND DETERMINE THE RATE, AMOUNT AND METHOD OF PAYMENT OF COMPENSATION TO PERSONS HOLDING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF MONTVALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY

BE IT ORDAINED BY the Mayor and Council of the Borough of Montvale as follows:

SECTION 1. Each of the offices and positions of employment hereinafter named that are not established or created by virtue of any statutes or of any ordinance, resolution, or other lawful authority heretofore exercised by the Borough of Montvale, is hereby established, created, ratified and confirmed.

SECTION 2. The rate of compensation of the persons holding any of the hereinafter named offices and positions of employment whose compensation shall be on an annual basis and shall be payable semi-monthly is hereby fixed and determined to be as set opposite the title of each of the hereinafter named offices and positions of employment.

Title		2021 Salary Range	
1.	Park Monitor (PT)	\$20 - \$25	Per hour

SECTION 5. The Borough Treasurer shall present semi-monthly or as established by Resolution to the Governing Body for approval warrants drawn to the order of the Borough of Montvale Payroll Account and the Borough of Montvale Salary Account.

At the first meeting of the Governing Body in January of each year, there shall be approved accounts to be designated "The Borough of Montvale Payroll Account" and "The Borough of Montvale Salary Account" and from time to time the Borough Treasurer upon receipt of a warrant for the amount due each Payroll, shall deposit the same to the credit of these accounts, charging the appropriate budgetary accounts therewith. The Borough Treasurer shall thereafter draw checks on said accounts to the employees entitled to payment therefrom.

Any employee hired under the terms of a Special Library Grants, salary will be determined by the Authority making such grant.

The Mayor and Borough Council may by adoption of a resolution and by approved payroll advice, increase compensation (base wage adjustment or one-time merit/bonus increase) of any salaried employee in the above schedule, who has reached their maximum, up to 10% above the pay range maximum.

At each regular meeting of the Governing Body of the Borough of Montvale, the Treasurer shall submit for the approval or ratification as the case may be, the necessary payroll amounts due to the several officers and employees for compensation.

Such officers as may be determined by the Governing Body, as established by resolution, shall be authorized to sign warrants drawn in favor of the Payroll Account, upon due notice that the payrolls have been approved by the proper certifying authorities.

SECTION 6. This ordinance shall become effective upon publication as required by law, and salaries paid shall be adjusted in accordance with the terms of this ordinance.

SECTION 7. All other ordinances and parts of ordinances inconsistent herewith are hereby appealed.

SECTION 8. This ordinance shall take effect immediately upon publication in the manner provided by Law.

MICHAEL GHASSALI, Mayor

ATTEST:

MAUREEN IAROSSO-ALWAN, RMC
Municipal Clerk

INTRODUCED: 3-11-2021

Councilmember	Yes	No
Arendacs		
Curry		
Koelling		
Lane		
Roche		
Russo-Vogelsang		

ADOPTED: 3-25-2021

Councilmember	Yes	No
Arendacs		
Curry		
Koelling		
Lane		
Roche		
Russo-Vogelsang		

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2021-1505**

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 11th day of May 2021, 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 June 2021 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, COUNTY OF BERGEN, STATE OF
NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 400 OF THE BOROUGH
CODE TO PROHIBIT THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES
WITHIN ITS GEOGRAPHICAL BOUNDARIES**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and

- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in Section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Mayor and Council of the Borough of Montvale have determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Borough of Montvale in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough of Montvale’s residents and members of the public who visit, travel, or conduct business in the Borough, to amend the Borough of Montvale’s zoning regulations to prohibit all manner of cannabis-related land use and development within the geographic boundaries of the Borough of Montvale at the present time; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that the many factors weigh against allowing cannabis establishments without further information and clarification from the State of New Jersey; and

WHEREAS, these organizations have urged that the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts; and

WHEREAS, the Mayor and Council have solicited comments from the public and have held a publicly-advertised "Town Hall" in which the Act was the primary subject of discussion; and

WHEREAS comments, question and concerns were expressed in person, via zoom, and via written submission, from a variety of residents and employees; and

WHEREAS, after careful consideration of the feedback received and the questions raised, the Mayor and Council have determined that the following factors weigh against granting permission for the operation of any cannabis establishments in the Borough at the present time would be imprudent due to numerous factors, including but not limited to the following:

- 1) The complexity and novelty of the Act;
- 2) The many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality;
- 3) The relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions;
- 4) The uncertain state of the regulatory scheme governing cannabis establishments that has not yet been proposed or adopted by the Cannabis Regulatory Commission;
- 5) The projected significant traffic impact on local roadways that would result from cannabis establishments, specifically including for retail and warehouse/distribution businesses, and including the potential for a large influx of out-of-state residents visiting retail establishments;
- 6) The fact that the Borough would be unable to "opt out" for a period of 5 years if action is not taken by August 22, 2021, but yet the Borough would be able to "opt in" to allowing cannabis establishments at any time if an initial decision not to permit cannabis establishments is made at this time

WHEREAS, prohibiting such cannabis establishments at the present time would not preclude the Borough from amending this ordinance to permit one or more classes of cannabis establishments at a later time if it were to be determined to be in the best interests of the Borough of Montvale to do so.

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

Section 1. Pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Montvale, except for the delivery of cannabis items and related supplies by a delivery service.

Section 2. Chapter 400, "Zoning," Section 87 shall be renamed, "Certain uses related to cannabis prohibited; definitions," and is hereby repealed and replaced as follows:

§400-87 Certain uses related to cannabis prohibited; definitions.

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

HEMP - A cannabis plant containing less than 0.3% THC, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds. This definition shall include cannabinoids (CBDs) derived from hemp.

CANNABIS - 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). Notwithstanding the foregoing, this definition shall not be deemed to include hemp, as such term is defined herein.

CANNABIS ESTABLISHMENT - All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in Section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service. This definition shall also include businesses where the sale and/or distribution of cannabis paraphernalia takes place. This definition shall not include legally authorized medical care, pharmaceutical research or clinical trials performed or conducted by or under the direction and supervision of a licensed physician, medical research facility, hospital or pharmaceutical company.

CANNABIS PARAPHERNALIA - 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 cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body.

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

1. Cannabis establishments. This prohibition shall not include premises regularly in the business of selling and/or dispensing medical marijuana under a license issued by the State of New Jersey, and having been prescribed by a licensed physician and dispensed in accordance with applicable law.
2. Signs, billboards or other similar structures or devices that advertise or promote cannabis or cannabis establishments.

Section 3. Upon adoption of this Ordinance on first reading, it shall be referred to the Montvale Planning Board in accordance with N.J.S.A. 40:55D-64.

Section 4. Any article, section, paragraph, subsection, clause, or other provision of the Borough of Montvale Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 5. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. This ordinance shall take effect upon its passage and publication and filing with the Bergen County Planning Board, and as otherwise provided for by law.

MICHAEL GHASSALI, Mayor

ATTEST:

MAUREEN IAROSI-ALWAN, RMC
Municipal Clerk

INTRODUCED: 3-11-2021

Councilmember	Yes	No
Arendacs		
Curry		
Koelling		
Lane		
Roche		
Russo-Vogelsang		

ADOPTED: 6-10-2021

Councilmember	Yes	No
Arendacs		
Curry		
Koelling		
Lane		
Roche		
Russo-Vogelsang		

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2021-1506**

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 11th day of May 2021, 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 June 2021 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 THE BOROUGH CODE TO ADD A NEW CHAPTER 250 ENTITLED "LIGHTING" TO REGULATE OUTDOOR LIGHTING IN THE BOROUGH OF MONTVALE

Whereas, the governing body of the Borough of Montvale does herein find that regulation of outdoor lighting, street lighting and private lighting in the Borough is necessary to prevent misdirected or excessive artificial light, caused by inappropriate or misaligned light fixtures that produce glare, light trespass (nuisance light) and/or unnecessary sky glow; and

Whereas, such regulation is also necessary to protect and maintain the residential character of our neighborhoods and to ensure that Montvale residents are not disturbed by the presence of offensive or nuisance-causing lighting that is injurious to the health, safety and welfare of the public; and

Whereas, such regulation is also necessary to discourage the waste of electricity and to ensure an appropriate level of lighting throughout the Borough for the benefit of all residents.

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

Section 1. The Borough of Montvale Code is hereby amended and supplemented by adding a new Chapter 250, entitled "Lighting," as follows:

CHAPTER 250 – LIGHTING

Article I

New and Replacement Lighting

- | | |
|---------------|------------------------------------------------------|
| §250-1 | Definitions. |
| §250-2 | Purpose. |
| §250-3 | Outdoor lighting. |
| §250-4 | Light Trespass; Nuisance Light. |
| §250-5 | Illuminance and luminance requirements. |
| §250-6 | Electric Utility Floodlights. |
| §250-7 | On-Site Outdoor Lighting Energy Conservation. |

- §250-8** **Submission of Plans.**
- §250-9** **Prohibitions.**
- §250-10** **Violations and enforcement.**
- §250-11** **Schedule A.**

Article II

Existing Lighting – Glare Nuisance

- §250-12** **Applicability.**
- §250-13** **Declaration of Findings and Policy.**
- §250-14** **Standards for existing lighting.**
- §250-15** **Violations and enforcement.**

Article I

New and Replacement Lighting

- §250-1** **Definitions.**

For purposes of this Chapter, the following terms shall have the meanings indicated:

Glare: The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort or loss in visual performance and visibility.

IESNA: Illuminating Engineering Society of North America. An organization that recommends standards for the lighting industry.

Light Trespass: Any form of artificial illuminance emanating from a light fixture or illuminated sign that penetrates other property and creates a nuisance, as specified in Section 4 - Light Trespass; Nuisance Light, of this Chapter.

Objectionable Direct Glare Source: Glare resulting from excessive levels of illumination or insufficiently shielded light sources emanating from light fixtures in the field of view where the lens, lamp or reflector is offensively visible above a height of five (5) feet at a property line or a public roadway.

Outdoor Light Fixture: An electrically powered illuminating device containing a total light source of more than 1800 initial lumens per fixture or any spot or flood luminaire with a reflector contained in the lamp component such as a parabolic aluminized reflector (PAR) lamp, of more than 900 initial lumens, which is permanently installed outdoors, including but not limited to, devices used to illuminate any site, architectural structure, or sign.

Shielded Light Fixture: A light fixture with cutoff optics that allows no direct light emissions above a vertical cutoff angle of 90 degrees above nadir (straight down at perfect vertical), through the light fixture's lowest light emitting part. Any structural part of the light fixture providing this cutoff angle must be permanently affixed.

Special Code Enforcement Officer: Shall be the Construction Official and/or Property Maintenance Official, who shall be empowered to enforce all aspects of this Chapter including those involving glare nuisance.

§250-2 Purpose.

The governing body of the Borough of Montvale does herein find that regulation of outdoor lighting in the Borough is necessary to prevent misdirected or excessive artificial light, caused by inappropriate or misaligned light fixtures that produce glare, light trespass (nuisance light) and/or unnecessary sky glow; and also that such regulation is necessary to discourage the waste of electricity and to improve or maintain nighttime public safety, utility and security.

§250-3 Outdoor Lighting.

All outdoor light fixtures installed and thereafter maintained, other than those serving one- and two-family dwellings, shall comply with the requirements as specified below:

- A. Where used for security purposes or to illuminate walkways, roadways and parking lots, only shielded light fixtures shall be used.
- B. Where used for commercial and industrial purposes such as in merchandise display areas, work areas, platforms, signs, architectural, landscape or sports or recreational facilities, all light fixtures shall be equipped with automatic timing devices and comply with the following:
 1. Light fixtures used to illuminate flags, statues or any other objects mounted on a pole, pedestal or platform, shall use a narrow cone beam of light that will not extend beyond the illuminated object.
 2. Other upward directed architectural, landscape or decorative direct light emissions shall have at least ninety (90) percent of their total distribution pattern within the profile of the illuminated structure.
 3. Recreational and sports facility lighting shall be shielded whenever possible. Such lighting shall have directional and glare control devices, when necessary, to comply with Section 4.
 4. Except where specific requirements are set forth with respect a zoning district, externally illuminated signs including commercial billboard, building identification or other similar illuminated signs, shall comply with the following:
 - a. Top mounted light fixtures shall be shielded and are preferred.

- b. When top mounted light fixtures are not feasible, illumination from other positioned light fixtures shall be restricted to the sign area. Visors or other directional control devices shall be used to keep spill light to an absolute minimum.
 - c. All requirements set forth in Chapter 400, Zoning.
5. All other outdoor lighting shall use shielded light fixtures.
- C. All floodlight type fixtures, once properly installed, shall be permanently affixed in the approved position.
 - D. Foundations supporting lighting poles not installed four (4) feet behind the curb, shall not be less than 24 inches above ground.
 - E. All lights shall be 3,500Kelvin (3,500K) CCT (correlated color temperature) or less.
 - F. When fifty percent or more of existing outdoor light fixtures are being replaced or modified, then all lighting must be made to conform to the provisions of this lighting ordinance.

§250-4 Light Trespass; Nuisance Light.

All light fixtures, except street lighting, shall be designed, installed and maintained to prevent light trespass, as specified in A and B below.

- A. At a height of five (5) feet above the property line of subject property, illuminations from light fixtures shall not exceed 0.1 footcandles in a vertical plane on residentially-zoned property.
- B. Outdoor light fixtures properly installed and thereafter maintained, shall be directed so that there will not be any objectionable direct glare source visible above a height of five feet from any property or public roadway.

Note: Light fixtures near adjacent property may require special shielding devices to prevent light trespass.

§250-5 Illuminance and luminance requirements.

Illuminance and luminance requirements shall be as set forth in the current editions of the IESNA Lighting Handbook and other IESNA publications and this Chapter shall adopt those standards, as same shall be amended and supplemented.

- A. Street lighting - Average IESNA illuminance recommendations should not be exceeded. IESNA average to minimum illuminance uniformity ratios are to be used as a guide for designing safe and adequate roadway lighting.

- B. Outdoor Parking Facilities - Outdoor parking lot illuminance shall be based on certain illuminance specifications recommended by the IESNA, as contained in Section 11 - Schedule A, of this Chapter.
- C. All other illuminance uses shall not exceed IESNA recommendations.
- D. Internally-illuminated signs shall not exceed IESNA luminance recommendations

§250-6 Electric Utility Floodlights.

No electric utility floodlight intended for property illumination shall be located within the public right-of-way, on any public roadway or on any property unless:

- A. The luminaire is sufficiently shielded and aimed so that no objectionable direct glare source is visible at any point on the roadway where the viewing height is five feet or greater and when the distance from the mounting pole is seventy feet or greater.
- B. The property being illuminated does not exceed the maximum maintained illuminance levels to perform the lighting task prescribed in Section 5 - Illuminance and Luminance Requirements, of this Chapter.
- C. All electric utility floodlights shall be subject to the requirements in Section 5 - Light Trespass; Nuisance Light, of this Chapter.
- D. The light shall not be inconsistent with or in violation of any previously-approved lighting plan.
- E. The placement of said floodlight has been approved by resolution of the Governing Body.

§250-7 On-Site Outdoor Lighting Energy Conservation.

The design and installation of outdoor lighting on the site of a subdivision or site plan shall be constructed so as to conform to the standards specified herein:

- A. All outdoor lighting not necessary for security purposes shall be reduced, activated by motion sensor devices or turned off during non-operating hours. Illuminated signs are excluded from this requirement.
- B. All lighting shall be designed to prevent misdirected or excessive artificial light and to maximize energy efficiency.

§250-8 Submission of Plans.

Submission of plans and evidence of compliance shall include the following:

- A. Description of outdoor light fixtures including component specifications such as lamps, reflectors, optics, angle of cutoff, supports, poles and include manufacturers catalog cuts.
- B. Locations and description of every outdoor light fixture and hours of operation.
- C. Maintained horizontal illuminance shown as footcandles (after depreciation).
 - 1. Maximum
 - 2. Minimum
 - 3. Average, during operating and non-operating hours.
 - 4. Average to minimum uniformity ratio.
- D. Computer generated photometric grid showing footcandle readings every ten (10) feet and the average footcandles.
- E. Foundation details for light poles.
- F. When not using IESNA recommendations, submit reasons and supply supporting documentation.

§250-9 Prohibitions.

Searchlights or flashing or animated signs are prohibited.

§250-10 Violations and enforcement.

- A. Violation of any provision of this Article shall be cause for a violation to be issued to the violator by the Special Code Enforcement Officer, or such other official or enforcing agency designated by the Mayor and Council. The recipient of an enforcement document shall be entitled to a hearing in Municipal Court having jurisdiction to contest such action.
- B. Any person who violates any provision of this Article shall be subject to the penalties set forth in Chapter 1, Article 1, General Penalty. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense.
- C. No provision of this chapter shall be construed to impair any common law, statutory or regulatory cause of action or legal remedy there from, or any personal injury or damage arising from any violation of this chapter or from other law.

SCHEDULE A

Maintained Illuminance for Parking Lots	Basic	Enhanced Security
Horizontal Illuminance		
Minimum	0.2 fc	0.5 fc
Average	1.0 fc	2.5 fc
Uniformity Ratios		
Average to Minimum	5:1	5:1
Maximum to Minimum	20:1	15:1
Minimum Vertical Illuminance	0.1 fc	0.25 fc

1. Minimum horizontal illuminance shall be no lower than 0.2 fc.
2. Average horizontal illuminance shall not exceed 2.5 fc.
3. Uniformity ratios are to be used as a guide.
4. Minimum vertical illuminance shall be measured at 5.0 feet above parking surface at the point of lowest horizontal illuminance, excluding facing outward along boundaries.
5. For typical conditions. During periods of non-use, the illuminance of certain parking facilities should be turned off or-reduced to conserve energy. If reduced lighting is to be used only for the purpose of property security, it is desirable that the minimum (low Point) not be less than 0.1 fc in susceptible areas of the property. Reductions should not be applied to facilities subject to intermittent night use, such as apartments, hospitals and active transportation areas.
6. If personal security or vandalism is a likely and/or severe problem, an increase above the Basic level may be appropriate.
7. High vehicular traffic locations should generally require the Enhanced Level of illumination. Exits, entrances, internal connecting roadways and such would be some examples.
8. Increasing the above illuminance is not likely to increase safety and security. Variance requests for higher levels will generally be for "retail" reasons and should not be granted unless shown to be necessary and at an average illuminance not to exceed 3.6 fc.

Certain data above has been summarized from IESNA RP-20-98, titled "Lighting for Parking Facilities".

Article II
Existing Lighting – Glare Nuisance

§250-12 Applicability.

This Chapter as it applies to glare nuisance shall be applicable to the following property categories:

- A. Industrial facilities
- B. Commercial facilities
- C. Public service
- D. Community service facilities
- E. Multi-use properties
- F. Public and private rights-of-way
- G. Public spaces
- H. Multi-dwelling unit buildings

§250-13 Declaration of Findings and Policy.

An objectionable direct glare source can be potentially hazardous to motorists, cyclists or pedestrians by causing discomfort and fatigue or reducing vision especially with the aged, and such direct glare can also affect performance by distracting attention, and the people have a right to, and should be ensured of, an environment free of any such existing invasive nuisance. It is therefore the policy of the Borough of Montvale to prevent any such existing objectionable glare as set forth in this Article.

§250-14 Standards for existing lighting.

- A. Light fixtures in the categories set forth in Section 12 - Applicability, of this Chapter regarding outdoor lighting, which cause an objectionable direct glare source to be visible above a height of five (5) feet from streets or parking lots within the field of view of motorists, cyclists or pedestrians, shall be either shielded or repositioned within thirty (30) days of notification to avoid any potential hazard to such motorists, cyclists or pedestrians.
- B. Light fixtures in the categories set forth more fully in Section 12 - Applicability, of this Chapter regarding lighting which causes an objectionable direct glare source to be visible above the height of five (5) feet from residential properties that is offensive to the occupants of such properties by being in violation of the standards set forth in Section 4 - Light Trespass (Nuisance Light) of this Chapter, which provides that all light fixtures, except street lighting shall not provide illuminations exceeding 0.1 foot candles in a vertical plane on residentially zoned property, and shall not be installed and/or maintained in such a way as to produce an objectionable direct glare source to be visible above the height of five (5) feet from any property or public roadway. In such cases, property owners shall be notified to shield or reposition light fixtures within thirty (30) days of notification.

- C. All existing electric utility floodlights utilized for illumination on the property categories listed in Section 12 - Applicability, of this Chapter, shall be subject to Section 6 - Electric Utility Floodlights, of this Chapter, in that such light fixtures must be sufficiently shielded and aimed so as to not allow an objectionable direct glare source to be visible at any point on the roadway where the viewing height is five (5) feet or greater and when the distance from the mounting pole is seventy (70) feet or greater. Maximum maintained luminance levels must be as prescribed by Section 5 - Illuminance and Luminance Requirements, of this Chapter, and all electric utility floodlights shall be subject to the requirements of Section 4 - Light Trespass; Nuisance Light of this Chapter. When existing floodlights are found to be noncompliant, the electric utility and property owner shall be notified to make corrections within thirty (30) days of notification.

§250-15 Violations and enforcement.

- A. Violation of any provision of this Article involving glare or light nuisance shall be cause for a violation to be issued to the violator by the Special Code Enforcement Officer, or such other official or enforcing agency designated by the Mayor and Council. The recipient of an enforcement document shall be entitled to a hearing in Municipal Court having jurisdiction to contest such action.
- B. Any person who violates any provision of this Article shall be subject to the penalties set forth in Chapter 1, Article 1, General Penalty. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense. In addition, any offending light shall be removed immediately by the violator.
- C. No provision of this Article shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this chapter or from other law.

Section 2. Upon adoption of this Ordinance on first reading, it shall be referred to the Montvale Planning Board for comment and recommendation, although such a referral is not required by N.J.S.A. 40:55D-64.

Section 3. Any article, section, paragraph, subsection, clause, or other provision of the Borough of Montvale Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 5. This ordinance shall take effect immediately upon its passage and publication as required by law.

MICHAEL GHASSALI, Mayor

ATTEST:

MAUREEN IAROSSO-ALWAN, RMC
Municipal Clerk

INTRODUCED: 3-11-2021

Councilmember	Yes	No
Arendacs		
Curry		
Koelling		
Lane		
Roche		
Russo-Vogelsang		

ADOPTED: 6-10-2021

Councilmember	Yes	No
Arendacs		
Curry		
Koelling		
Lane		
Roche		
Russo-Vogelsang		

**MINUTES
WORK SESSION**

The Public Meeting of the Mayor and Council was held virtually by Zoom and also held in the Council Chambers and called to order at 7:31PM. Adequate notice was published in the official newspaper of the Borough of Montvale.

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
Councilmember Curry - absent
Councilmember Koelling

Councilmember Lane
Councilmember Roche
Councilmember Russo-Vogelsang

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

ORDINANCES:

PUBLIC HEARING ORDINANCE NO. 2021-1498 AN ORDINANCE TO AMEND SALARY ORDINANCE NO. 2020-1492 TO PROVIDE FOR AND DETERMINE THE RATE, AMOUNT AND METHOD OF PAYMENT OF COMPENSATION TO PERSONS HOLDING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF MONTVALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY FOR THE YEAR 2021

BE IT ORDAINED BY the Mayor and Council of the Borough of Montvale as follows:

SECTION 1. Each of the offices and positions of employment hereinafter named that are not established or created by virtue of any statutes or of any ordinance, resolution, or other lawful authority heretofore exercised by the Borough of Montvale, is hereby established, created, ratified and confirmed.

SECTION 2. The rate of compensation of the persons holding any of the hereinafter named offices and positions of employment whose compensation shall be on an annual basis and shall be payable semi-monthly is hereby fixed and determined to be as set opposite the title of each of the hereinafter named offices and positions of employment.

Title		2021 Salary Range	
1.	Borough Administrator (PT)	\$48,000 -	58,000
2.	Safety Coordinator	\$3,000 -	7,000
3.	Chief Financial Officer (PT)	\$20,000 -	30,000
4.	Municipal Clerk (PT)	\$80,000 -	105,000
5.	Deputy Municipal Clerk (PT)	\$45,000 -	55,000
6.	Floater/ Admin. Assistant to Administrator	\$40,000 -	55,000
7.	Tax Collector (PT)	\$60,000 -	80,000
8.	Tax Assessor	\$35,000 -	45,000

BOROUGH OF MONTVALE**APRIL 27, 2021**

9.	Treasurer/Purchasing Agent	\$75,000 -	90,000
10.	Deputy Treasurer	\$55,000 -	65,000
11.	Accounts Payable Clerk	\$40,000 -	50,000
Title		2021 Salary Range	
12.	Secretary, Planning Board/Land Use Admin. (PT)	\$80,000	95,000
13.	Planning Board Secretary Special Meetings	\$45 -	\$60/hour
14.	Board Secretary, Clerical/Recording	\$130 -	\$160
15.	Office Manager (PT)	\$4,000 -	7,000
16.	Registrar Vital Statistics	\$800 -	1,200
17.	Deputy Registrar Vital Statistics	\$250 -	500
18.	Construction Code Official	\$35,000 -	50,000
19.	Building Sub Code Official	\$35,000 -	50,000
20.	Building Inspector	\$60,000 -	65,000
21.	Zoning Officer	\$5,000 -	11,000
22.	Property Maintenance Officer	\$3000 -	8,000
23.	Construction Dept. Control Person	\$50,000 -	70,000
24.	Plumbing Sub Code Official	\$ 25,000 -	35,000
25.	Plumbing Inspector	\$25 -	\$50/hour
26.	Fire Sub Code Official	\$15,000 -	19,000
27.	Fire Sub Code Official special inspections	\$25 -	\$50/hour
28.	Electrical Sub Code Official	\$40,000 -	50,000
29.	Electrical Sub Code Official special inspections	\$25 -	\$50/hour
30.	Fire Prevention Official	\$60,000 -	72,000
31.	Fire Inspector/ Senior/Deputy Fire Official	\$7,600 -	25,000
32.	Municipal Court Administrator	\$70,000 -	80,000
33.	Deputy Municipal Court Administrator	\$50,000 -	60,000
34.	Court Security	\$20 -	\$27/hour
35.	Violations Clerk	\$40,000 -	50,000
36.	Police Secretary	\$42,000 -	49,000
37.	Administrative Assistant for Police Chief	\$55,000 -	65,000
38.	Emergency Mgmt. Coordinator	\$5,000 -	7,000
39.	Deputy Emergency Mgmt. Coordinator	\$3,000 -	6,000
40.	Library Director	\$80,000	97,000
41.	Library – Library Adult Services	\$50,000 -	61,000
42.	Library (PT)	\$13 -	\$50/hour
43.	Library (PT) meetings	\$120 -	\$225/mtg

BOROUGH OF MONTVALE**APRIL 27, 2021**

44.	Facilities Building & Property Inspector	\$20,000	-	30,000
45.	Director, Public Assistance	\$5,000	-	8,000
46.	Director of Recreation	\$50,000	-	\$62,000
47.	Van Drivers (PT)	\$20	-	\$25/hour
48.	Station Technicians (PT)	\$15	-	\$20/hour
49.	Booker Cable Access TV	2,000	-	5,000
50.	Archivist Records Manager/D.A.R.M.	\$25	-	\$28/hour
51.	Deputy Construction Code Official	\$75,000	-	85,000

SECTION 3. The rate of compensation of the persons holding any of the hereinafter named offices, whose compensation shall be on an annual basis and payable semi-monthly, is hereby fixed and determined as follows:

Title		2021 Salary Range	
A.	Municipal Judge	\$38,000	- 45,000
B.	Mayor	\$8,000	- 10,000
C.	Councilpersons (each)	\$6,000	- 8,000

SECTION 4: The rate of compensation of persons holding any of the hereinafter named offices in the Police Department, whose compensation shall be on an annual basis, and payable semi-monthly, is hereby fixed and determined as follows:

Title		2021 Salary Range	
A.	Chief	\$225,000	- 240,000
B.	Captain	\$204,000	- 215,000
C.	Lieutenant (Base Wage)	\$159,152	- 166,132
D.	Sergeants (Base Wage)	\$148,100	- 151,804
E.	Detective – Additional per year	\$2,000	- 4,000
F.	Juvenile Officer – Addt'l per year	\$400	-
G.	Asst. Juvenile Officer – Addt'l per year	\$350	-
H.	Special Police Officer Class III (SLEO)	\$47,000	- 55,000
I.	Special/Auxiliary Police	\$22/hour	- \$26/hour
J.	School Cross Guard/Police Matrons	\$22/hour	- \$26/hour

SECTION 4A: The rate of compensation of persons holding any of the hereinafter named offices in the Police Department whose compensation shall be on an annual basis, and payable semi-monthly, is fixed and determined as follows:

Police Officers Schedule (Base Wage Each)		
0-6 months	\$45,236	- 46,250

6 months – 1 year	\$51,678 - 52,970
1 – 2 years	\$58,233 - 59,689
2 – 3 years	\$71,343 - 73,126
3 – 4 years	\$84,453 - 86,564
4 – 5 years	\$97,562 - 100,001
5 – 6 years	\$110,672 - 113,438
6 – 7 years	\$123,783 - 126,878
7 – 8 years	\$136,892 - 140,315

SECTION 4B: In addition to the compensation stated above, Full Time Employees in Section 4 and Section 4A, shall be paid an annual longevity increment pursuant to the following schedule:

Years of Service	Officers Hired BEFORE January 1, 2006	Officers Hired AFTER January 1, 2006
After five (5) years	1%	-
After seven (7) years	2%	-
After nine (9) years	3%	1%
After eleven (11) years	4%	2%
After thirteen (13) years	5%	3%
After fifteen (15) years	6%	4%
After seventeen (17) years	7%	5%
After nineteen (19) years	8%	6%
After twenty-one (21) years	-	7%
After twenty-two (22) years	-	8%
After twenty-four (24) years	9%	9%

SECTION 5. The Borough Treasurer shall present semi-monthly or as established by Resolution to the Governing Body for approval warrants drawn to the order of the Borough of Montvale Payroll Account and the Borough of Montvale Salary Account.

At the first meeting of the Governing Body in January of each year, there shall be approved accounts to be designated "The Borough of Montvale Payroll Account" and "The Borough of Montvale Salary Account" and from time to time the Borough Treasurer upon receipt of a warrant for the amount due each Payroll, shall deposit the same to the credit of these accounts, charging the appropriate budgetary accounts therewith. The Borough Treasurer shall thereafter draw checks on said accounts to the employees entitled to payment therefrom.

Any employee hired under the terms of a Special Library Grants; salary will be determined by the Authority making such grant.

The Mayor and Borough Council may by adoption of a resolution and by approved payroll advice, increase compensation (base wage adjustment or one-time merit/bonus increase) of any salaried employee in the above schedule, who has reached their maximum, up to 10% above the pay range maximum.

At each regular meeting of the Governing Body of the Borough of Montvale, the Treasurer shall submit for the approval or ratification as the case may be, the necessary payroll amounts due to the several officers and employees for compensation.

Such officers as may be determined by the Governing Body, as established by resolution, shall be authorized to sign warrants drawn in favor of the Payroll Account, upon due notice that the payrolls have been approved by the proper certifying authorities.

SECTION 6. This ordinance shall be operative as of January 1, 2020, and salaries paid shall be adjusted in accordance with the terms of this ordinance.

SECTION 7. All other ordinances and parts of ordinances inconsistent herewith are hereby appealed.

SECTION 8. This ordinance shall take effect immediately upon publication in the manner provided by Law

A motion Introduced for second reading **Ordinance No. 2021-1498** by Councilmember Koelling; seconded by Councilmember Arendacs; Clerk read by title only.

Motion to open meeting to public by Councilmember Koelling; seconded by Councilmember Lane
- 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 The Bergen Record by Councilmember Lane; seconded by Councilmember Roche; Clerk read by title only. - All ayes on a roll call vote

PUBLIC HEARING ORDINANCE NO. 2021-1499 AN ORDINANCE OF THE BOROUGH OF MONTVALE REPEALING AND READOPTING CHAPTER 292, "PARKS AND RECREATION," ARTICLE IV, "BASKETBALL COURTS," TO REVISE CERTAIN PROVISIONS CONCERNING 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 confrontations and the inability of taxpaying Montvale residents and teams to utilize the courts; and

WHEREAS in order to ensure that playing time on the courts is more equitably apportioned, the Mayor and Council have determined that it is necessary to amend the regulations concerning the use of public basketball courts in the manner set forth in this Ordinance.

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

Section 1. Chapter 292, "Parks and Recreation," Article IV, "Basketball Courts," is hereby repealed and re-adopted, as follows:

Chapter 292 – Parks and Recreation

Article IV

Basketball Courts

§ 292-37. Definitions.

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

BASKETBALL COURTS – The two basketball courts located at the Memorial Field Complex, 1 Memorial Drive, Montvale, New Jersey. The Basketball Courts shall be designated Court 1 and Court 2.

NON-MEMBER — Any person, other than a Member.

MEMBER — Any person who shall have paid an annual fee and received identification evidencing such payment for the use of the Basketball Courts. There shall be both Resident Members and Non-Resident Members.

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

PERMIT-HOLDER — A team or organization that has obtained from the Borough of Montvale a permit entitling said team or organization to exclusive use of Court 2 for the period of time set forth in the permit.

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.

§ 292-38. Use of facilities.

- A. Membership 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.
- B. Application and payment for membership. Application and payment for membership shall be made to the Montvale Borough Clerk at the municipal offices or at such other place as shall be prescribed in rules and regulations approved by the Borough of Montvale.
- C. Display of membership badge. Evidence of membership shall be in a manner prescribed by the rules and regulations promulgated by the Borough of Montvale. Any person who shall fail upon request by a Police Officer, Recreation Director, or other Borough official, officer or employee, to produce a valid badge (or permit, where applicable) shall immediately leave the court. Failure to immediately leave the court under such circumstances shall be deemed a violation of this Article.
- D. Non-Members prohibited. In order to better regulate the use of the Basketball Courts and to prevent confusion by the individuals charged with enforcing the provisions of this Article, Non-Members shall not be permitted to use the Basketball Courts at any time. All individuals using the Basketball Courts are required to have a valid membership or be part of a team or organization holding a valid permit.

§ 292-39. 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.
- C. This section shall not apply to Permit Holders, who shall be allowed to play for the duration of the time period stated on the permit.

§ 292-40. Term of membership.

- A. Membership. Resident membership shall be lifetime and shall not expire as long as the member resides in Montvale. Non-resident 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.

§ 292-41. Permits; resident-only court.

1. The Basketball Courts shall be designated as Court 1 and Court 2. The following rules shall apply to play on these courts:
 - a. Court 1 shall be reserved for play by Montvale Resident Members. Under no circumstances shall Non-Resident Members play on Court 1 at any time.
 - b. Court 2 shall be an "open" court, which may be utilized by both Resident Members and Non-Resident Members. However, at certain times Court 2 may be reserved by Permit Holders as set forth in this section and therefore unavailable to all Members.
2. Permits for Court 2
 - a. During certain times approved by the Borough of Montvale, Court 2 may be reserved for exclusive use by a team or organization.
 - b. In order to reserve Court 2 during the times allowed, the team or organization must apply for and be granted a permit from the Field Use Coordinator.
 - c. During the time period set forth on the applicable permit, the Permit Holder shall have exclusive use of the Court 2. All individuals, including Members, who may be on Court 2 during the time period set forth in a permit shall, upon presentation of the permit by the Permit Holder, immediately leave the court.
 - d. Individual players on the team or organization holding a valid permit may utilize Court 2 during the time period set forth on the permit, notwithstanding that such players may not be members.

§ 292-42. 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 Basketball Courts; 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.

§ 292-43. 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 Basketball Courts 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 Basketball Courts. 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.

§ 292-44. Violations and penalties.

- A. Penalties. Any person who shall violate the provisions of this Article 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 person who shall violate any provision of this Article or the rules and regulations promulgated hereunder shall be subject to suspension of membership or permit privileges for a period of one year from the date of conviction of a violation thereof.

§ 292-45. Jurisdiction.

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

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 immediately upon adoption and publication as required by law.

A motion Introduced for second reading **Ordinance No. 2021-1499** by Councilmember Koelling; seconded by Councilmember Lane; Clerk read by title only.

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

Ryan (Last name and address where inaudible)

He read a few articles regarding banning non-New Jersey residents from playing on basketball courts.

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

Motion to adopt on Second and Final Reading in The Bergen Record by Councilmember Lane; seconded by Councilmember Koelling; Clerk read by title only. - All ayes on a roll call vote with the exception of Councilmember Lane voting No.

PUBLIC HEARING ORDINANCE NO. 2021-1500 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 292 OF THE BOROUGH CODE TO CLARIFY CERTAIN PROCEDURES RELATED TO PERMIT REQUIREMENTS FOR THE USE OF BOROUGH-OWNED FIELDS AND PARKS

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

Section 1. Chapter 292, "Parks and Recreation," Section 14, "Permits," of the Borough Code is hereby amended and supplemented by adding the underlined text and deleting the bracketed text, as follows:

§ 292-14 Permits.

- A. A permit [may] shall be obtained from the governing body for use of a part or portion thereof, prior to any person or persons entering into or upon park premises for the purpose of conducting any group function.
- B. All sporting activities conducted by leagues, organizations, teams, trainers or coaches are permitted only in areas specifically marked or designated for that sport. All such sporting activities require a permit for the use of said fields as set forth in Article II of this Chapter. It shall be a violation of this section for a league, organization, team, trainer or coach to conduct sporting activities outside of designated, permitted areas and pursuant to a permit issued to said league, organization, team, trainer or coach. In the event of a violation of this section, the Recreation Director is authorized to cancel any existing permits for the offending league, organization, team, trainer or coach and to refuse to issue any new permits to said league, organization, team, trainer or coach for a period of one (1) year.

Section 2. Severability.

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

Section 3. Effective date.

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

Section 4. Repeal of inconsistent ordinances.

All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

A motion Introduced for second reading **Ordinance No. 2021-1500** by Councilmember Koelling; seconded by Councilmember Roche; Clerk read by title only.

Motion to open meeting to 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 The Bergen Record by Councilmember Lane; seconded by Councilmember Koelling; Clerk read by title only. - All ayes on a roll call vote

INTRODUCTION ORDINANCE NO. 2021-1501 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, REPEALING AND REPLACING CHAPTER 274 ENTITLED "NOISE" TO READOPT CERTAIN EXISTING NOISE RESTRICTIONS

(Public Hearing 5-11-21)

A motion to Introduce Ordinance **2021-1501** for first reading was made by Councilmember Koelling; 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

INTRODUCTION ORDINANCE NO. 2021-1502 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, ADOPTING A NEW CHAPTER 275 ENTITLED "NOISE CONTROL ACT" TO ADOPT A MUNICIPAL NOISE ORDINANCE PURSUANT TO THE NOISE CONTROL ACT OF 1971

(Public Hearing 5-11-21)

A motion to Introduce Ordinance **2021-1502** for first reading was made by Councilmember Koelling; 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

INTRODUCTION ORDINANCE NO. 2021-1503 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING THE BOROUGH CODE TO ADD A NEW CHAPTER 250 ENTITLED "LIGHTING" TO REGULATE OUTDOOR LIGHTING IN THE BOROUGH OF MONTVALE

(Public Hearing 5-11-21)

A motion to WITHDRAW Ordinance **2021-1503** for first reading was made by Councilmember Koelling; seconded by Councilmember Roche; - all ayes

PUBLIC HEARING: 2021 Bergen County Trust Fund Grant Application Park Development Municipal Program Park Improvement Application Huff Park Playground Improvements/ADA Access Improvements

Kelsey Howard, Colliers Engineering

This program provides matching grants for the development and redevelopment of municipal parkland. This includes improvements to the playground at Huff Park, including addition of a tot lot (ages 2-5 years) new rubberized surfacing and ADA access improvements. The proposed project includes replacing the existing playground surface, installing rubberized safety surfacing, installing rubber surfacing between sidewalk and playground, edging and landscaping and installing ADA access improvements. Total cost \$284,000. The grant request is (50%) \$142,000 the borough will pay the remainder.

Mayor Ghassali ask councilmembers for comments. Councilmember Roche asked when will the funds be available; the funds will be available for next year.

MEETING OPEN TO PUBLIC MUNICIPAL PARK APPLICATION:

A motion to open the meeting to the public by Councilmember Lane; seconded by Councilmember Roche - all ayes

Carolee Adams

Suggested on the basketball courts can the nets be lowered for younger players and can the chess tables be refurbished.

MEETING CLOSED TO PUBLIC MUNICIPAL PARK APPLICATION:

A motion to close the meeting to the public by Councilmember Lane; seconded by Councilmember Roche - all ayes

84A-2021 Municipal Endorsing Resolution Trust Fund Application

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and,

WHEREAS, the Borough of Montvale desires to further the public interest by obtaining a matching grant of **\$142,000.00** from the County Trust Fund to fund the following project: **Huff Park Playground Improvements Project**; and,

WHEREAS, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions, and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the governing body/board received held the required Public Hearing to receive public comments on the proposed park improvements in the application on **April 27, 2021**; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above-named project and ensure its completion on or about the project contract expiration date.

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

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of MAY 14th, 2021, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Borough of Montvale has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That the Borough of Montvale is committed to providing a dollar-for-dollar cash match for the project; and,
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That the Borough of Montvale agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That this resolution shall take effect immediately.

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

MINUTES:**March 3, 2021 – Special Meeting Traffic Study – Chestnut Ridge Development**

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

April 13, 2021

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

April 15, 2021 – Special Town Hall Meeting – Cannabis Legislation Discussion

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

CLOSED/EXECUTIVE MINUTES:**April 13, 2021**

A motion to accept closed session minutes by Councilmember Lane; seconded by Councilmember Koelling – all ayes

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.

85-2021 Authorize Refund of Recreation Program / Golf Lessons

BE IT RESOLVED, the below individual is hereby granted a refund for Golf Lessons for online registration to Ann Marie Stout, 21 Raymond St. Harrington Park, NJ 07640 in the amount of \$239.65

86-2021 Resolution Authorizing The Borough Administrator To Sign The NJDEP WQM-003 Statement Of Consent Form For Metropolitan Home Development At Werimus, LLC, For Property Located At 91 Spring Valley Road - Treatment Works Approval (TWA) Application.

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires Consent of the Governing Body and Certification by the Wastewater Conveyance System Owner;

WHEREAS, the Borough of Montvale owns and operates their wastewater conveyance system that the property owner METROPOLITAN HOME DEVELOPMENT AT WERIMUS, LLC, (for property located at 91 Spring Valley Road) is proposing to connect for sanitary sewerage disposal;

WHEREAS, the Borough Engineer has reviewed the NJDEP WQM-003 Form and has determined that the Borough's sanitary sewer system has adequate capacity;

WHEREAS, the Borough Engineer has reviewed the NJDEP WQM-003 Form and recommends that the Borough's Mayor and Council authorize the Borough Administrator to execute the WQM-003 Form Section A-1 and Section A-3B;

WHEREAS, the Borough's Mayor and Council has considered this recommendation;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Montvale, formally approves the Borough Administrator to execute the above stated Application.

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to execute the NJDEP WQM-003 Form on behalf of the Borough of Montvale for the application by the owner, **METROPOLITAN HOME DEVELOPMENT AT WERIMUS, LLC, FOR PROPERTY LOCATED AT 91 SPRING VALLEY ROAD.**

87-2021 Resolution Authorizing The Borough Administrator To Sign The NJDEP WQM-003 Statement Of Consent Form For Metropolitan Home Development At Werimus, LLC, For Property Located At 55-61 Magnolia Avenue - Treatment Works Approval (TWA) Application.

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires Consent of the Governing Body and Certification by the Wastewater Conveyance System Owner;

WHEREAS, the Borough of Montvale owns and operates their wastewater conveyance system that the property owner METROPOLITAN HOME DEVELOPMENT AT WERIMUS, LLC, (for property located at 55-61 Magnolia Avenue) is proposing to connect for sanitary sewerage disposal;

WHEREAS, the Borough Engineer has reviewed the NJDEP WQM-003 Form and has determined that the Borough's sanitary sewer system has adequate capacity;

WHEREAS, the Borough Engineer has reviewed the NJDEP WQM-003 Form and recommends that the Borough's Mayor and Council authorize the Borough Administrator to execute the WQM-003 Form Section A-1 and Section A-3B;

WHEREAS, the Borough's Mayor and Council has considered this recommendation;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Montvale, formally approves the Borough Administrator to execute the above stated Application.

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to execute the NJDEP WQM-003 Form on behalf of the Borough of Montvale for the application by the owner,

METROPOLITAN HOME DEVELOPMENT AT WERIMUS, LLC, FOR PROPERTY LOCATED AT 55-61 Magnolia Avenue, Montvale, New Jersey.

88-2021 Authorize Hiring / Part Time on Call / Crossing Guard / Gail Eastlake

WHEREAS, the Montvale Police Department desires to hire a part-time on call crossing guard in the Borough of Montvale; and,

WHEREAS, Gail Eastlake has met the qualifications for this position, agrees to the terms and conditions of employment; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that the above-named individual is hereby appointed to the position of Part-time on Call Crossing Guard, effective April 28, 2021.

89-2021 Authorize Release of Escrow / Wilf Law Firm, LLP / Apple Hill Estates/Block 402, Lot 19.02

WHEREAS, Wilf Law Firm, Apple Hill Estates with offices located at 820 Morris Turnpike, Suite 201, Short Hill, NJ 07078 have requested release of escrow posted for Block 402, Lot 19.02; 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 hereby release to Wilf Law Firm in the amount of \$78.50; and

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

90-2021 Award Professional Service Contract /Engineering Services /2021 NJDCA Local Recreation Improvement Grant Application/Restroom Trailer Facility Fieldstone Fields

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide professional services to prepared a declaration of Intent To apply and all other related requirements for the submission of the 2021 NJDCA Local Recreation Improvement (LRIG) for the purposes of a proposed restroom facility at Fieldstone Fields, 47 Spring Valley Road, Montvale, NJ; 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, Colliers Engineering & Design, 400 Valley Road, Mt. Arlington, NJ 07856 has submitted a proposal dated April 22, 2021 to provide the engineering services for 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 engineering services is attached to this resolution which is made part of this resolution shall be awarded to Colliers Engineering & Design.

- 2) That the following be provided: Preparation of the grant application to the NJDCA Local Recreation Improvement Grant
- 3) The cost not to exceed shall be \$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.

91-2021 A Resolution Amending Resolution No. 95-2020 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 on May 12, 2020 awarded a contract to Media Consultants, LLC to engage 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 these services and the scope of the work has changed due to the need to have additional meeting coverage from Media Consultants, LLC (the "MC Proposal") on Zoom for the workshop session held the last Tuesday of each month. This Mayor & Council meeting was not included in the original contract proposal and scope of work with Media Consultants. Media Consultants demonstrates the expertise and proven reputation in the specialty of television studio management, content production and related services which is essential during this time of the global pandemic; and

WHEREAS, the Council is therefore desirous in amending the contract to Media Consultants, LLC to perform the additional related services for an additional amount of \$4,000; 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, content 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 which is hereto attached to the original of his resolution.

BE IT FURTHER RESOLVED that the pricing for this contract shall be for a total increase of \$4,000 for a total contract amount of \$46,328.00 the term of one (1) year to commence April 27th 2021 for one year.

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 amended 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.

92-2021 A Resolution of the Borough of Montvale Re-Affirming the Official Policy of the Borough Concerning the Placement of Lighting on Utility Poles Within the Public Right-Of-Way

WHEREAS, the governing body of the Borough of Montvale does herein find that regulation of street lighting and private lighting mounted on utility poles in the Borough is necessary to prevent misdirected or excessive artificial light, caused by inappropriate or misaligned light fixtures that produce glare, light trespass (nuisance light) and/or unnecessary sky glow; and

WHEREAS, such regulation is also necessary to protect and maintain the residential character of our neighborhoods and to ensure that Montvale residents are not disturbed by the presence of offensive or nuisance-causing lighting that is injurious to the health, safety and welfare of the public; and

WHEREAS, such regulation is also necessary to discourage the waste of electricity and to ensure that the Borough controls the level of lighting present on Borough-owned or Borough-controlled streets.

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

1. It is and shall remain the official policy of the Borough of Montvale that all street lighting and private lighting on public streets in the Borough (excepting those under the jurisdiction of the State of New Jersey, the County of Bergen, or another Federal, State or County agency) shall be approved by the Borough of Montvale prior to same being placed on a utility pole or in such other location in the public right-of-way.
2. No individual, corporation, or other entity, including but not limited to public utility companies, shall install street lighting on utility poles or such other location in the public right-of-way within the Borough of Montvale without first receiving approval from the Borough of Montvale concerning the placement of same.
3. No individual, corporation or public entity, including but not limited to public utility companies, shall install any private lighting (including floodlights intended for property illumination) on utility poles or on such other location in the public right-of-way within the Borough of Montvale without first receiving approval from the Borough of Montvale concerning the placement of same.

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

BILLS: *Municipal Clerk read the Bill Report*

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

ENGINEER'S REPORT:

Chris Doer
Report/Update

a. Proposed List of Road Improvements 2021 Road Program

The list right now consists of 35 roads which does include a lot of roads that PSEG will be paying for; still working out which streets PSEG will be paving

b. Bocce Ball Courts / Update

Bids will be received, Thursday, May 6

ATTORNEY REPORT:

Joe Voytus, Esq.
Report/Update
No Report

UNFINISHED BUSINESS:

COVID numbers we have 27 active cases in town; year to date 190 positives; 244 cases in 2020

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 Lane; seconded by Councilmember Roche – all ayes

Ryan, 21 Murray Road

Asked for clarification on the basketball courts regarding if a non-resident is using the courts without a badge, what happens; Mayor Ghassali stated that there will be someone patrolling the courts, and the people using the courts might be asked to leave but also will be instructed on how to obtain a badge.

Carolee Adams

Still hoping that Montvale will sponsor bicycle safety month; in addition to bicycle safety but also to show how to fix your bike as well. Seeing as how with the COVID changes will it be possible if we can bring back the fireworks for this year.

Steve Frischer

Regarding Ordinance 2021-1500, which parks will require permits, does it include pickle ball; there is a league from Glen Rock that uses our courts; question regarding the basketball courts, how will it be enforced;

A motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Roche – all ayes

ADJOURNMENT:

Motion to adjourn by Councilmember Lane; seconded by Councilmember Arendacs - all ayes

Meeting adjourned at 8:18pm

The next Meeting of the Mayor and Council will be held May 11, 2021 at 7:30 p.m.
Municipal Budget Public Hearing to be held on May 11, 2021/Budget Presentation

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 94-2021**

RE: Governor's Council on Alcoholism & Drug Abuse Fiscal Grant Cycle July 2020-June 2025

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Montvale, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Montvale County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Montvale Municipal Alliance grant for **fiscal year 2022** in the amount of:
DEDR \$ 3836.33
Cash Match \$ 959.08
In-Kind \$ 2877.25
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: May 11, 2021

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 95-2021**

RE: Refund Overpayment of Taxes/ Due to Veteran Exempt Status

WHEREAS, a resolution authorizing the Borough of Montvale to refund the following overpayment of taxes;
and

WHEREAS, the owner of 26 Old Chestnut Ridge Road, E. Charles Wehrle, is totally exempt from taxes due to his Veteran status, he received, a Homestead Rebate, from the State of New Jersey, which is applied as a credit towards 2nd quarter taxes in the amount of \$996.30; and

WHEREAS, the owner of 7 Wayne Street, Ronald Waldt, is totally exempt from taxes due to his Veteran status, he received, a Homestead Rebate, from the State of New Jersey, which is applied as a credit towards 2nd quarter taxes in the amount of \$557.68; 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 in the amount of \$996.30 to E. Charles Wehrle, 26 Old Chestnut Ridge Road, Montvale, NJ 07645 and \$557.68 to Ronald Waldt, 7 Wayne Street, Montvale, NJ 07645

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: May 11, 2021

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 96-2021**

RE: Refund Tax Overpayment / Block 803; Lot 7 / 47 Middletown Road

WHEREAS, a resolution authorizing the Borough of Montvale to refund an overpayment of taxes; and

WHEREAS, the owner of 47 Middletown Road, the Estate of Sylvia Lovenson, made a payment in error for the second quarter taxes, the property was sold in February 2021; 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 in the amount of \$748.00 to The Estate of Sylvia Lovenson, 200 F. Kearsing Parkway, Monsey, NY 10952

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: May 11, 2021

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 97-2021**

RE: Authorize Change Order No. 1 Cifelli & Sons / NJDOT FY 2019 Edgren Way & Ramapo Road Improvements

WHEREAS, the Borough of Montvale awarded a contract via Resolution No. 105-2020 to Cifelli & Sons, 81 Franklin Ave., Nutley, NJ 07110 for the NJDOT FY 2019 Edgren Way & Ramapo Road; and

WHEREAS, the original contract amount is \$249,858.25; and

WHEREAS, the Borough Engineer, in a letter dated May 5, 2021 which is attached to the original of this resolution has been monitoring the project and recommends in detail this Change Order #1 in the amount of (\$35,817.07) and authorizes payment #2 in the amount of \$45,151.71; and

Contractor

Total Contract Amount	\$ 249,858.25
Change Order #1	(35,817.07)
Adjusted Total Contract Amount	\$ 214,041.18

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Montvale authorize Change Order #1 in the amount of \$35,817.07 is hereby approved; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds have been appropriated and are available for this purpose, a copy of said certification attached to the original copy of this Resolution

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Montvale that the above reference Change Order #1 is hereby approved.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: May 11, 2021

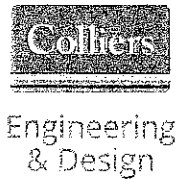
ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

400 Valley Road
Suite 304
Mt. Arlington New Jersey 07856
Main: 877 627 3772



May 5, 2021

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

Re: Progress Payment No. 2

NJDOT FY2019- Edgren Way & Ramapo Road Improvements
Montvale, Bergen County, NJ
Colliers Engineering & Design Project No. MVB-010

Dear Ms. Iarossi-Alwan,

Cifelli & Son General Contracting, Inc., the Contractor for the above-referenced work, has requested Progress Payment No. 2 in the amount of \$45,151.71 for the Base Bid and Alternate Bid A, as noted on the attached payment summary.

Our office monitored the project and as-built quantities for contract items completed throughout the project and take no exception. Change Order No. 1 to this project includes restoration by Cifelli & Son of the milled and paved area due to a water main break that occurred during final paving and final as-built quantities. We understand that Suez Water NJ reimbursed the Borough of Montvale for the full amount of the noted repair cost, which was \$41,704.99. This payment request includes these costs as well as release of the project retainage.

At this time, based on our review, we take no exception to the payment and recommend Payment No. 2 as follows:

Original Contract Amount	\$	249,858.25
Change Orders (see above)	\$	(35,817.07)
Adjusted Contract Amount	\$	214,041.18
 Total Completed to Date	 \$	 214,041.18
Retainage (2% of Completed Work)	\$	(4,280.82)
Release Retainage	\$	4,280.82
Subtotal	\$	214,041.18
Less Previous Payments	\$	(168,889.47)
Amount Due Progress Payment #2	\$	45,151.71

Based on our review, we recommend the approval of the above-noted Payment No. 2 to Cifelli & Son General Contracting, Inc. in the amount of \$45,151.71.

Project No. MVB-010

May 5, 2021

Page 2 | 2



Engineering
& Design

Should you have any questions, please do not hesitate to contact my office.

Sincerely,

Colliers Engineering & Design

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

Andrew Hipolit, PE, PP, CME, CFM, CPWM
Borough Engineer - Discipline Leader

ARH/cd/nm/lb

Attachment: Payment Voucher No. 2, Change Order No. 1

cc: Mayor and Council (via Clerk – miarossi@montvaleboro.org)
Christine Kalafut, Treasurer (ckalafut@montvaleboro.org)
Angela McCain, Deputy Treasurer (amccain@montvaleboro.org)

R:\Projects\MVB\MVB-010\Correspondence\OUT\210505_arh_jarossi-aiwan_FY2019 NJDOT - Edgren Way_MVB010_Payment #2.docx

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 98-2021**

RE: Authorize Hiring / Part Time on Call / Crossing Guard / Cynthia Meeks

WHEREAS, the Montvale Police Department desires to hire a part-time on call crossing guard in the Borough of Montvale; and,

WHEREAS, Cynthia Meeks has met the qualifications for this position, agrees to the terms and conditions of employment; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that the above-named individual is hereby appointed to the position of Part-time on Call Crossing Guard, effective May 11, 2021.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: May 11, 2021

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 99-2021**

RE: Award Professional Service Contract /Engineering Services /2021 Bergen County Municipal Park Improvement Grant Application/Memorial Field Playground Accessibility & Play Surface Improvements

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide professional services to prepared a declaration of Intent To apply and all other related requirements for the submission of the 2021 Bergen County Municipal Program Park Improvement Grant Application for the Memorial Field Playground Surface Improvements and Playground Accessibility within Montvale, NJ; 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, Colliers Engineering & Design, 400 Valley Road, Mt. Arlington, NJ 07856 has submitted a proposal dated April 8, 2021 to provide the engineering services for 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 engineering services is attached to this resolution which is made part of this resolution shall be awarded to Colliers Engineering & Design.
- 2) That the following be provided: Preparation of the grant application to Bergen County Municipal Park Improvement
- 3) The cost not to exceed shall be \$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.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: May 11, 2021

ATTEST:

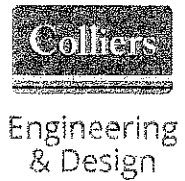
APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

Account:
Not To Exceed \$5,000.00

400 Valley Road
Suite 304
Mt. Arlington New Jersey 07856
Main: 877 627 3772



April 8, 2021

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

Re: Proposal for Professional Engineering Services
2021 Bergen County Municipal Program Park Improvement Grant Application
Memorial Field Playground Accessibility and Play Surface Improvements
Colliers Engineering & Design Project No. MVB-0024P

Dear Ms. Iarossi-Alwan,

Colliers Engineering & Design, Inc. (CED) is pleased to submit this proposal for professional engineering services associated with the 2021 Bergen County Municipal Program Park Improvement Grant Application related to the playground accessibility and play surface improvements at Memorial Field.

This effort includes completion of the required declaration of intent to apply and application; correspondence and coordination with the Borough as necessary; drafting of the required display advertisement for the public hearing to discuss the project; drafting of the required resolution; preparation of supporting documents including a detailed cost estimate, project schedule, necessary aerial mapping, conceptual site plan and site photos as required; correspondence and coordination with vendors; and, correspondence with the appropriate representative at the County.

Declaration of Intent to Apply Requirements

- Due April 9, 2021.
- Basic applicant and project location information.
- Brief project description.
- Estimate total cost of project and grant request.
- Retain signature of authorized official.

Application Requirements

- Due May 14, 2021.
- 8.5 x 11-inch Site Location Map/Street Map.
- 8.5 x 11-inch Tax Map.
- Information on project costs and funding sources.

Maser Consulting is now Colliers Engineering & Design

- Project Budget on professional letterhead, prepared and signed by an NJ-licensed engineer to include:
 - Eligible construction costs;
 - Allowance for engineering costs, not to exceed 13 percent (13%) of construction costs;
 - Allowance for incidental costs, not to exceed 2% of construction costs, or \$20,000, whichever is less;
 - Estimated permit fees associated with the project;
 - Estimated cost of the preliminary assessment and further testing; and
 - Contingency, not to exceed 10% of construction cost.
- Detailed description of scope of work.
- Narratives on Master Plan consistency, ADA compliance, Historic Preservation Assessment.
- Project Schedule for completion of:
 - Complete Plans, Specifications and Bid Documents;
 - Apply for/obtain Permits, if necessary;
 - Advertise for Bids/Quotes;
 - Award of Construction and/or Purchase Contracts;
 - Begin Construction;
 - Complete Construction; and
 - Submit Reimbursement Request to County.
- Narrative on project need.
- Conceptual site plan, drawn to scale, indicating proposed park developments, existing topography, facilities, improvements, natural features, proposed areas clearing three (3) or more trees, and any other relevant existing physical features.
- Color site photographs.
- Obtain NJDEP Heritage Search Report, if applicable.
- Historic Preservation Assessment, if applicable.
- Provide draft of the Municipal Resolution to be signed or sealed.
- Provide draft Public Hearing Notice.
- Obtain minutes of Public Hearing from Borough.
- Obtain Borough signature for Application Certification.

Based on the scope detailed above, CED will provide the services for preparation of a complete grant application for a cost not to exceed **\$5,000.00**.



Engineering
& Design

The above services will be provided on a cost basis not to exceed the listed amount. The hourly rate schedule and services required will be performed in accordance with the Borough Engineering Contract authorized by the Borough of Montvale.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

Colliers Engineering & Design

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

Andrew Hipolit, PE, PP, CME, CFM, CPWM
Discipline Leader

ARH/cd/lb

Attachment: Client Authorization Form

400 Valley Road
Suite 304
Mt. Arlington New Jersey 07856
Main: 973 810 0006



Engineering
& Design

Client Authorization Form

Date: April 8, 2021
Client: Borough of Montvale
Project Name: 2021 Bergen County Municipal Program Park Improvement Grant
Memorial Field Playground Accessibility and Play Surface Improvements
Phase Name: Grant Application
Project No. MVB-0024

We request your review and authorization of services as outlined below in order to proceed:

Services requested by: Maureen Iarossi-Alwan, Borough Administrator

Description of service contract scope:

Colliers Engineering & Design, Inc. (DBA Maser Consulting) proposes to provide the following service(s):
Preparation of a grant application to the 2021 Bergen County Municipal Program Park Improvement Grant.
Letters of Intent are due April 9. Full Applications are due May 14, 2021.

This effort includes completion of the required declaration of intent to apply and application; correspondence and coordination with the Borough as necessary; drafting of the required display advertisement for the public hearing to discuss the project; drafting of the required resolution; preparation of supporting documents including a detailed cost estimate, project schedule, necessary aerial mapping, conceptual site plan and site photos as required; correspondence and coordination with vendors; and, correspondence with the appropriate representative at the County.

The Business Terms and Conditions of the original contract shall still apply.

Services outline above shall be invoiced:

☒ Per diem/hourly

Estimated Budget = \$ 5,000.00

☐ Lump sum

Fee = \$

I (we) hereby authorize the services to proceed as outlined above:

Client Authorization Form prepared by:


Andrew Hipolit

Signer's Name (Print)

Project Manager's Name (Print)

Signature

Date


Project Manager's Signature

4/8/21

Date

Please sign the form where indicated & email or mail to Colliers Engineering & Design for our records.

Maser Consulting is now Colliers Engineering & Design

Accelerating success.

RESOLUTION

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

<u>FUND</u>	<u>AMOUNT</u>	<u>NOTES</u>
Current	\$4,403,663.66	Bill List Wire 5/11/2021
	<u>301,032.94</u>	Wires/Manual Checks
Current TOTAL	4,704,696.60	
Escrow	17,948.75	Bill List Wire 5/11/2021
Housing Trust	1,486.40	Bill List Wire 5/11/2021
Open Space Trust	550.00	Bill List Wire 5/11/2021
General Trust	505.68	Bill List Wire 5/11/2021

*This resolution was adopted by the Mayor and Council of Montvale
at a meeting held on 5/11/21*

Introduced by: _____

Approved: 5/11/21

Seconded by: _____

Michael Ghassali, Mayor

ATTEST:

Maureen Iarossi-Alwan, Municipal Clerk

MANUAL/VOID CHECKS - WIRES
May 11, 2021

<u>Check #</u>	<u>PO #</u>	<u>Date</u>	<u>Transaction/Vendor</u>	<u>Amount</u>
WIRE		4/27/21	Payroll Account-Current	\$191,696.56
WIRE		4/27/21	Salary Deduction Account	\$109,306.38
WIRE		4/27/21	FSA Account	\$30.00
Total				<hr/> \$301,032.94

May 6, 2021
11:53 AM

Borough of Montvale
Bill List By Vendor Id

Page No: 1

P.O. Type: All
Range: First to Last
Format: Condensed

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

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00019 MUNICIPAL CAPITAL CORPORATION								
	21-00045	01/06/21	WIDE FORMAT COLOR COPIER	Open	444.00	0.00		B
	21-00046	01/06/21	COPY MACHINE LEASE - MAILROOM	Open	399.00	0.00		B
	21-00047	01/06/21	COPY MACHINE LEASE - POLICE	Open	179.00	0.00		B
					1,022.00			
00027 BT SPECIALTIES								
	21-00365	03/12/21	POLOS/MASK FOR CV-19 CLINIC	Open	299.50	0.00		
00046 COUNTY OF BERGEN, TREASURER								
	21-00165	01/21/21	2021 COUNTY TAXES	Open	1,419,564.70	0.00		B
00065 GENERAL CODE PUBLISHERS, LLC								
	21-00549	04/26/21	ECODE360 ANNUAL MAINTNENACE	Open	1,195.00	0.00		
00097 CABLEVISION								
	21-00523	04/20/21	07873-199375-01-1 CABLEVISION	Open	194.96	0.00		
	21-00577	05/04/21	07873-240495-01-5 CABLEVISION	Open	101.23	0.00		
	21-00578	05/04/21	07873-218840-01-0 CABLEVISION	Open	21.04	0.00		
					317.23			
00098 SERVPRO OF PARAMUS								
	21-00415	03/25/21	COVID-19 CLEANING & SANITIZING	Open	505.68	0.00		
00104 MONTVALE BOARD OF EDUCATION								
	21-00039	01/05/21	2021 LOCAL SCHOOL TAXES	Open	1,415,319.00	0.00		B
00111 AACOM BUSINESS SOLUTIONS								
	21-00392	03/22/21	CCTV BASIC AGREEMENT	Open	348.00	0.00		
00116 VERIZON								
	21-00569	04/30/21	651-285-414-0001-73 VERIZON	Open	293.08	0.00		
00118 NJ STATE LEAGUE OF								
	21-00550	04/27/21	NJLM MINI CONFERENCE	Open	115.00	0.00		
00137 PASCACK VALLEY REGIONAL HS DST								
	21-00038	01/05/21	2021 REGIONAL SCHOOL TAXES	Open	1,161,695.60	0.00		B
00163 STAR PRESS, INC.								
	21-00153	01/20/21	ENVELOPES PLAIN AND WINDOW	Open	450.00	0.00		
00173 NEWELL, JOHN								
	21-00464	04/06/21	REIMB CLOTHING ALLOWANCE	Open	437.18	0.00		
00178 FAIR GAME GOOSE CONTROL INC.								
	21-00177	01/25/21	2021 GOOSE CHASING-BOARD OF ED	Open	550.00	0.00		B

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Borough of Montvale
Bill List By Vendor Id

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00178 FAIR GAME GOOSE CONTROL INC. Continued								
	21-00178	01/25/21	2021 GOOSE CHASING-BD OF HLTH	Open	550.00	0.00		B
					1,100.00			
00215 TOWNSHIP OF RIVER VALE								
	21-00040	01/05/21	2021 PASCACK VALLEY DPW	Open	152,675.13	0.00		B
00247 MONTVALE FREE PUBLIC LIBRARY								
	21-00181	01/25/21	2021 QUARTERLY BUDGET PAYMENT	Open	37,055.50	0.00		B
00258 ROCKLAND ELECTRIC COMPANY								
	21-00572	05/04/21	ROCKLAND ELECTRIC - APRIL 2021	Open	14,229.54	0.00		
00320 NEW JERSEY ELEVATOR INSPECTION								
	21-00399	03/22/21	2020 ELEVATOR INSPECTION	Open	769.00	0.00		
00355 BERGEN CTY POLICE CHIEFS ASSOC								
	21-00352	03/10/21	B.C.P.C.A. 2021 ANNUAL DUES	Open	500.00	0.00		
00375 BOROUGH OF PARK RIDGE								
	21-00435	04/01/21	TRI-BORO FUEL - FEBRUARY 2021	Open	3,209.67	0.00		
	21-00446	04/05/21	PD 2021 PISTOL RANGE AGREEMENT	Open	6,500.00	0.00		
					9,709.67			
00380 SPATIAL DATA LOGIC, INC.								
	21-00327	03/04/21	RECREATION WEBSITE SETUP FEE	Open	1,200.00	0.00		
	21-00429	04/01/21	REC WEBSITE MANAGEMENT	Open	1,030.00	0.00		
					2,230.00			
00406 RUTGERS, STATE UNIVERSITY NJ								
	21-00373	03/17/21	INTRO. TO ZONING ADMIN & ENF.	Open	212.00	0.00		
00582 MICROSYSTEMS-NJ.COM, L.L.C.								
	21-00522	04/19/21	ANNUAL EMAIL SERVICE FOR 2021	Open	120.00	0.00		
00699 ATLANTIC TOMORROWS OFFICE								
	21-00529	04/21/21	2021 QUARTERLY PD COPIER CONTR	Open	22.38	0.00		
	21-00532	04/21/21	TONERS	Open	660.50	0.00		
					682.88			
00731 COLLIER'S ENGINEERING & DESIGN								
	21-00441	04/02/21	MUNICIPAL ENGINEERING REIVEW	Open	525.00	0.00		
	21-00492	04/14/21	GENERAL WORK	Open	652.50	0.00		
	21-00493	04/14/21	MUNICIPAL PLANNING REVIEW	Open	913.50	0.00		
	21-00494	04/14/21	MUNICIPAL PLANNING REVIEW	Open	2,709.00	0.00		
	21-00535	04/21/21	MUNICIPAL PLANNING REVIEW	Open	670.50	0.00		
	21-00540	04/22/21	MUNICIPAL ENGINEERING REVIEW	Open	356.00	0.00		
	21-00544	04/23/21	ESCROW PAYMENTS	Open	535.50	0.00		
	21-00562	04/29/21	GENERAL WORK	Open	87.00	0.00		
					6,449.00			
00737 NORTHWEST BERGEN CENTRAL								
	21-00126	01/14/21	2021 DISPATCH SERVICES FEE	Open	50,622.60	0.00		B

May 6, 2021
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Borough of Montvale
Bill List By Vendor Id

Page No: 3

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00761 KLECHA, ROBERT	21-00515	04/16/21	REIMB CLOTHING ALLOW KLECHA	Open	338.75	0.00		
00763 WEHRLE, ELMER C.	21-00574	05/04/21	REFUND TAX OVERPAYMENT	Open	996.30	0.00		
00825 NOTTINGHAM COURT LLC	21-00383	03/18/21	RENTAL ASSISTANCE PROGRAM	Open	200.00	0.00		
	21-00511	04/15/21	LONG TERM RENTAL ASSISTANCE	Open	200.00	0.00		
					400.00			
00830 LINDA VISTA TOWNHOUSES CONDO.	21-00508	04/15/21	HOMEOWNER ASSOC FEE ASSISTANCE	Open	100.00	0.00		
00857 SAFE-T-TECH SECURITY SYSTEMS	21-00455	04/06/21	CLOUD ACCESS FOR TRAIN STATION	Open	359.40	0.00		
00916 WALDT, RONALD G.	21-00575	05/04/21	REFUND OF TAX OVERPAYMENT	Open	557.68	0.00		
00917 PARK AVE LANDSCAPE & MASON	20-01481	11/24/20	QUARRY PROCESS STONE AND DUST	Open	1,071.00	0.00		
	20-01535	12/07/20	QUARRY PROCESS STONE	Open	904.00	0.00		
	20-01567	12/10/20	LANDSCAPE SUPPLIES - HUFF POND	Open	82.99	0.00		
					2,057.99			
00991 LC MARKETING COMMUNICATIONS	21-00465	04/06/21	PD TEAM T-SHIRTS	Open	289.18	0.00		
01002 ZOOM VIDEO COMMUNICATIONS, INC	21-00546	04/26/21	ZOOM VIDEO COMMUNICATIONS	Open	849.31	0.00		
01011 ESTATE OF SYVIA LOVENSON	21-00576	05/04/21	REFUND TAX OVERPAYMENT	Open	748.00	0.00		
01020 PROFESSIONAL INSURANCE ASSOC.	21-00499	04/15/21	ACCIDENT & SICKNESS RENEWAL	Open	3,534.00	0.00		
01055 VALLEY HEALTH MEDICAL GROUP	21-00366	03/17/21	FIREFIGHTER APPLICANT EXAM	Open	175.00	0.00		
01063 SUMMIT RIDGE CONDOMINIUM	21-00509	04/15/21	HOMEOWNER ASSOC FEE ASSISTANCE	Open	50.00	0.00		
01101 THE RODGERS GROUP LLC	21-00387	03/18/21	PD 12 MONTH SUBSCRIPTION	Open	5,300.00	0.00		
	21-00388	03/18/21	PD YEAR SERVICE & MAINTENANCE	Open	8,843.00	0.00		
					14,143.00			
01120 GTBM INC.	21-00281	02/22/21	INFO-COP YEARLY LICENSE	Open	1,200.00	0.00		

May 6, 2021
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Borough of Montvale
Bill List By Vendor Id

Page No: 4

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01134 RESERVE ACCOUNT								
	21-00127	01/14/21	2021 POSTAGE METER REFILL	Open	800.00	0.00		B
	21-00412	03/25/21	TAX DEPARTMENT POSTAGE	Open	<u>295.29</u>	0.00		
					1,095.29			
01330 GHASSALI, MICHAEL								
	21-00516	04/19/21	MAILCHIP APRIL 2021	Open	51.99	0.00		
01390 BUSINESS MANAGEMENT DAILY								
	21-00451	04/05/21	ADMINISTRATIVE PROFESSIONAL	Open	173.00	0.00		
01408 VALLEY VIEW AT MONTVALE COND.								
	21-00507	04/15/21	HOMEOWNER ASSOC FEE ASSISTANCE	Open	150.00	0.00		
01594 GALLS, LLC								
	20-01516	12/03/20	HANNA CLOTHING ALLOWANCE	Open	629.35	0.00		
01664 TD BANK								
	21-00573	05/04/21	DEPOSIT CORRECTION	Open	850.00	0.00		
01700 JPMONZO MUNICIPAL CONSULTING								
	21-00490	04/14/21	WEBINAR 4/22/21 PURCHASING	Open	50.00	0.00		
01724 MOTOROLA SOLUTIONS INC.								
	20-01359	10/30/20	PORTABLE/NON-PORTABLE RADIOS	Open	14,611.40	0.00		
01748 WERBA, JOSEPH								
	21-00514	04/16/21	REIMB CLOTHING ALLOWANCE WERBA	Open	704.10	0.00		
01828 CGP&H, LLC								
	20-00680	06/18/20	PROFESSIONAL HOUSING REHAB SVC	Open	686.40	0.00		B
01856 MONTVALE FLORIST								
	21-00364	03/12/21	FLOWERS FOR R. CURRY	Open	59.75	0.00		
01879 RESERVE @ MONTVALE								
	21-00510	04/15/21	HOMEOWNER ASSOC FEE ASSISTANCE	Open	100.00	0.00		
01882 PRESTIGE BUSINESS PRODUCTS, INC								
	21-00456	04/06/21	PD INK CARTRIDGES	Open	690.00	0.00		
01937 RAGNASOFT, INC.								
	21-00443	04/05/21	PD PLANIT SCHEDULING SUBSCRIP	Open	1,555.00	0.00		
01959 COLONNELLI BROTHERS INC.								
	21-00135	01/14/21	SANITARY & STORM SEWER - EMERG	Open	11,200.00	0.00		B
02056 LERCH, VINCI & HIGGINS, LLP								
	20-01200	10/01/20	ANNUAL AUDIT 2020	Open	10,000.00	0.00		B
	21-00497	04/14/21	PROFESSIONAL SERVICES RENDERED	Open	<u>2,072.50</u>	0.00		
					12,072.50			

May 6, 2021
11:53 AM

Borough of Montvale
Bill List By Vendor Id

Page No: 5

Vendor # Name		PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02141	REGAN, ROBERT T., ESQ.								
	21-00406	03/24/21	ESCROW PAYMENTS	Open	2,915.75	0.00			
	21-00407	03/24/21	ESCROW PAYMENTS	Open	2,086.50	0.00			
	21-00437	04/02/21	ESCROW PAYMENTS	Open	4,572.00	0.00			
	21-00438	04/02/21	ESCROW PAYMENTS	Open	292.50	0.00			
	21-00440	04/02/21	ESCROW PAYMENTS	Open	1,592.50	0.00			
	21-00525	04/21/21	ESCROW PAYMENTS	Open	604.50	0.00			
	21-00536	04/21/21	ESCROW PAYMENTS	Open	175.50	0.00			
					12,239.25				
02426	VERIZON WIRELESS								
	21-00547	04/26/21	482530999-00001 VERIZON	Open	316.10	0.00			
03060	TRI-STATE TECHNICAL SERVICES								
	21-00117	01/13/21	2021 COMPUTER MAINTENANCE	Open	754.17	0.00			B
	21-00136	01/14/21	2021 MICROSOFT WEB EXCHANGE	Open	424.00	0.00			B
	21-00163	01/21/21	2021 ADOBE SOFTWARE / DROPBOX	Open	36.38	0.00			B
	21-00449	04/05/21	PD COMPUTER MAINT & CARBONITE	Open	1,744.00	0.00			
	21-00479	04/08/21	PD COMPUTER MAINT & CONNECTION	Open	320.00	0.00			
	21-00545	04/26/21	ZOOM MONTHLY COURT CHARGE -MAY	Open	17.05	0.00			
					3,295.60				
03084	WESLEY SICOMAC DAIRY								
	21-00104	01/12/21	2021 MILK DELIVERY	Open	23.00	0.00			B
03148	COUNTY OPEN SPACE TRUST FUND								
	21-00166	01/21/21	2021 COUNTY OPEN SPACE TAXES	Open	59,706.72	0.00			B
03666	VERIZON -3070534								
	21-00543	04/23/21	450-001-742-0001-13 VERIZON	Open	64.77	0.00			
03756	BOLKEMA FUEL OIL								
	21-00542	04/22/21	GENERATOR FUEL	Open	114.37	0.00			
Total Purchase Orders:		96	Total P.O. Line Items:		0	Total List Amount:		4,424,154.49	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 2020	0-01	28,067.74	0.00	28,067.74	0.00	0.00	28,067.74
CURRENT FUND 2021	1-01	4,375,595.92	0.00	4,375,595.92	0.00	0.00	4,375,595.92
BOA ESCROW ACCOUN	E-08	17,948.75	0.00	17,948.75	0.00	0.00	17,948.75
OTHER TRUST ACCOU	T-03	1,992.08	0.00	1,992.08	0.00	0.00	1,992.08
OPEN SPACE TRUST	T-14	550.00	0.00	550.00	0.00	0.00	550.00
Year Total:		2,542.08	0.00	2,542.08	0.00	0.00	2,542.08
Total of All Funds:		4,424,154.49	0.00	4,424,154.49	0.00	0.00	4,424,154.49

Maureen Iarossi

From: Chris Dour <chris.dour@colliersengineering.com>
Sent: Thursday, May 06, 2021 8:06 AM
To: Maureen Iarossi
Cc: Andrew Hipolit; Robert Culvert; Linda Boyer
Subject: 2021 Roads - For Mayor & Council review and approval

Maureen,

Here is the final draft list for the Mayor & Council's review and approval, separated by the roads we are recommending to the Borough to mill and pave and what we will be recommending to PSEG for them to pave:

Borough Roads for mill & pave (14 roads):

Arthur Court, Bryan Drive, Camron Court, Echo Hill, Ellsworth, Erie, Hickory Hill, Main, Maureen, McGuire, Montvale Avenue (Main to Ladik), Partridge Run, Phyllis, and Wildwood.

PSEG Roads for mill & pave (38 roads):

Azalea, Birch, Brook, Cardinal, Crest, Fairview, Forest, Glen, Grove, Hartel, Hemlock, Hillcrest, Hillside, Hunting Ridge, Jefferson, Locust, Madison, Meadow, Montvale (KMK to Williamsburgh), Mulberry, Myrtle, Oakland, Norgate, Nottingham, Pearl, Pine, Qual Ridge, Raven, Rutherford, Shadow, Smyrychynski, Spruce, Stone Hollow, Sunnyside, Walnut, Waverly, Westmoreland, and Williams.

Note that the PSEG roads may change as they are still working on several roads in the Borough.

Christopher L. Dour, P.E., P.P.

Project Manager | Municipal

chris.dour@colliersengineering.com

Main: 877 627 3772 | Direct: 973 810 0033 | Mobile: 862 219 0267

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Engineering
& Design



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**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. -2021 DRAFT**

A Resolution Authorizing Temporary Outdoor Operating Permits for Gyms, Fitness Centers, Yoga Studios and Other Similar Exercise Facilities in the Borough of Montvale and Setting Forth a Procedure for Obtaining Said Permits

WHEREAS, gyms, fitness centers, yoga studios and other similar exercise facilities are not currently permitted to operate indoors as a result of the current COVID-19 pandemic and certain Executive Orders pertaining to same; and

WHEREAS, the Borough of Montvale recognizes the hardship placed upon these business and would like to establish a temporary procedure to allow such businesses to operate in certain parking areas as approved by the Site Plan Review Committee, similar to the procedure established for temporary outdoor restaurant seating.

NOW, THEREFORE, BE IT RESOLVED that effective immediately, the Borough hereby adopts the following procedure for the issuance of Temporary Outdoor Operating Permits for gyms, fitness centers, yoga studios and other similar exercise facilities in the Borough of Montvale:

1. Temporary Outdoor Operating Permits (hereinafter "Permits") shall be issued by the Zoning Officer.
2. Permit Applications shall be submitted to the Land Use Administrator on a form approved by the Borough.
3. The Application Form shall require, at a minimum, the following information:
 - a. Name, address, email, cell phone and owner(s) of the Applicant
 - b. Name, address and owner(s) of the property (if different than the Applicant) and consent of the property owner to the Application
 - c. Copy of most recent approved Site Plan for the property
 - d. A drawing, survey or sketch showing the proposed Outdoor Operating Area, which shall only be permitted in a portion of a parking lot or parking garage, including proposed set-up of equipment, and the location and size of any tents, fencing, barriers, etc. Please note that all equipment must be stored inside overnight and may not be kept outside, unless authorized by the Property Owner and approved by the Reviewing Entities.
 - e. A narrative summary describing in detail the problems that may be generated by the proposed Outdoor Operating Area (e.g., diminished parking, encroachment on set-backs, increased outdoor lighting, increased noise, traffic flow, patron safety) and the manner in which the Applicant intends to address these problems
 - f. Proof of compliance with all requirements established by the CDC, the Governor and/or the State of New Jersey pertaining to such facilities or the Outdoor Operating Area, including but not limited to social distancing requirements, masks and/or face coverings, and the sanitizing of equipment.
 - g. Proof of insurance covering the proposed Outdoor Operating Area and the intended use of the property.

- h. A statement acknowledging that nothing in this Resolution or in the issuance of any Permit pursuant to this Resolution shall be considered a land use approval pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., nor shall any Permit be deemed to authorize the use of any Outdoor Operating Area past December 31, 2021.
 - i. A statement acknowledging the following: Tents may not exceed 40'x40' in size. Tents may not have sides and must be open-air. Open flames are not permitted underneath tent structures. Outdoor Operating Areas may not have electrical service, extension cords or "wired" lighting without separate approval from the Building Department and compliance with all applicable requirements.
 - j. A statement acknowledging that failure to comply with the terms and conditions of any Permit, or with any of the requirements established by the CDC, the Governor and/or the State of New Jersey, may result in the Borough revoking the Permit and closing the Outdoor Operating Area
- 4. Upon receipt of a completed Application, the Land Use Administrator shall refer the Application to the following officials and/or departments or their designees (the "Reviewing Entities") for a review and recommendation:
 - a. Planning Board Site Plan Review Committee
 - b. Police Department
 - c. Fire Department
 - d. Board of Health
 - e. Borough Engineer
 - f. Any other official that the Land Use Administrator deems necessary to assist the Site Plan Review Committee.
- 5. The Reviewing Entities shall review the Application in order to determine that the business has demonstrated that allowing the Outdoor Operating Area is safe for both the customers and the public. The Reviewing Entities shall work with Applicants to reach reasonable accommodations to assist such businesses to obtain a Permit from the Borough, and they shall make any recommendations deemed necessary to protect the health, safety and welfare of the public.
- 6. The Reviewing Entities shall review the Application and the proposed Outdoor Operating Area and either recommend to the Zoning Officer the approval, denial or revision of the Application. The approval of an Application shall set forth all terms and conditions of approval.
- 7. Upon receipt of the recommendation of approval by all Reviewing Entities, the Zoning Officer shall issue a Permit to the Applicant. All terms and conditions set forth by any Reviewing Entities with a recommendation of approval shall become conditions on the issuance of a Permit by the Zoning Officer.
- 8. There shall be no fee for a Permit Application.
- 9. The hours of operation of any Temporary Outdoor Operating Area shall be limited to 7:00 a.m. to 10:00 p.m.
- 10. All Permits issued pursuant to this Resolution and procedure shall terminate on December 31, 2021.
- 11. Nothing in this Resolution or in the issuance of any Permit pursuant to this Resolution shall be considered a land use approval pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., nor shall any Permit be deemed to authorize the use of any Outdoor Operating Area past December 31, 2021.

12. All applicants seeking approval of permanent outdoor operating areas shall apply to the Planning Board in accordance with existing procedures.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Chamber of Commerce to alert them of the Temporary Outdoor Operating Permit option for gyms, fitness centers, yoga studios and other similar exercise facilities.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted:

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor