

PUBLIC MEETING
MINUTES

The Public Meeting of the Mayor and Council was held virtually by Zoom and also held in Council Chambers and called to order at 7:36PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Master Sergeant Dieter Koelling led the Pledge of Allegiance to the Flag, and roll call was taken.

OPEN PUBLIC MEETING STATEMENT

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

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

ROLL CALL:

Councilmember Arendacs	Councilmember Lane
Councilmember Curry - absent	Councilmember Roche
Councilmember Koelling	Councilmember Russo-Vogelsang – via telephone

INFORMATIONAL SESSION: Carol Tyler, Tyco Animal Control/Presentation Deer Control

The deer population has been growing at a high rate. Encourages people not to feed the deer. Suggested that this should be a County wide discussion and approach.

A motion to open the meeting to the public by Councilmember Roche; seconded by Councilmember Koelling – all ayes

Carolee Adams

In Staten Island did vasectomies on deer; Carol from Tyco stated it's an island it is more contained. It has never been done in a wild setting – plus it's costly. Deer have a 5-7 year life span.

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

ORDINANCES:

PUBLIC HEARING OF ORDINANCE NO. 2021-1510 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 400 ENTITLED "ZONING," OF THE BOROUGH CODE 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.

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

Section 1. Chapter 400, "Zoning," Section 109, "Formal site development plan filing procedure," of the Borough of Montvale Code is hereby amended and supplemented by adding the underlined text, as follows:

§400-109 Formal site development plan filing procedure.

The applicant shall, simultaneously with the filing of the application herein provided for or at any time thereafter, proceed to file a detailed site plan and with respect thereto shall proceed as follows:

D. The applicant shall cause the site development plan to be prepared by a licensed professional engineer or land surveyor. Site development plan elements shall include those listed below, which are appropriate to the proposed development or use:

(5) Proposed development.

(e) Lighting plans, including location, type, wattage, height, direction, power, time of use, construction details, isolux lines, and location of security lighting, if proposed. Lighting plans shall comply with Chapter 250, "Lighting," Sections -3, -4, -5, -6, -7 and -8, and a failure to comply with said sections shall be deemed to require a variance. All plans shall include the following:

- i. Description of outdoor light fixtures including component specifications such as lamps, reflectors, optics, angle of cutoff, supports, poles and include manufacturers catalog cuts.
- ii. Locations and description of every outdoor light fixture and hours of operation.
- iii. Maintained horizontal illuminance shown as footcandles (after depreciation).
 - a. Maximum
 - b. Minimum
 - c. Average, during operating and non-operating hours.
 - d. Average to minimum uniformity ratio.
- iv. Computer generated photometric grid showing footcandle readings every ten (10) feet and the average footcandles.
- v. Foundation details for light poles.
- vi. When not using IESNA recommendations for lighting types not enumerated in Chapter 250, submit reasons and supply supporting documentation.

Section 2. Upon adoption of this Ordinance on first reading, it shall be referred to the Montvale Planning Board for comment and recommendation.

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.

A motion Introduced for second reading **Ordinance No. 2021-1510** by Councilmember Koelling; seconded by Councilmember Arendacs; Clerk read by title only.

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

No Public Comment

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 Roche; seconded by Councilmember Koelling; Clerk read by title only. - All ayes on a roll call vote

PUBLIC HEARING OF ORDINANCE NO. 2021-1511 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.

NOW, THEREFORE, 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	Schedule A.
§250-8	Prohibitions.
§250-9	Violations and enforcement.
§250-10	[RESERVED]
§250-11	[RESERVED]

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. When fifty percent or more of existing outdoor light fixtures are being replaced or modified, then all existing and new lighting must be made to conform to the provisions of this lighting ordinance. Under such circumstances, Site Plan approval shall be required.
- B. Where used for security purposes or to illuminate walkways, roadways and parking lots, only shielded light fixtures shall be used to restrict the maximum apex angle of the cone of illumination to 150°.
- C. 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. All other outdoor lighting shall use shielded light fixtures.
- D. All floodlight type fixtures, once properly installed, shall be permanently affixed in the approved position.
- E. Foundations supporting lighting poles not installed four (4) feet behind the curb, shall not be less than 24 inches above ground.
- F. All lights shall be 3,500Kelvin (3,500K) CCT (correlated color temperature) or less.

- G. The style of the light and light standard shall be consistent with the architectural style of the principal building.
- H. The maximum height of freestanding lights shall be the same as the principal building, but not exceeding 25 feet.
- I. Where lights along property lines would be visible to adjacent residents, the lights shall be appropriately shielded. Such shieldings may include berming, landscape material, decorative fencing and, in the case of buildings in excess of two stories, interior window shades or other appropriate treatment that restricts exterior light passage. Site lighting, other than that needed for security purposes, shall be set on a timer system that shuts off all but security lighting of the site by 11:00 p.m.
- J. Spotlight-type fixtures attached to buildings and visible to the public shall be prohibited.
- K. Freestanding lights shall be so located and protected to avoid being easily damaged by vehicles.
- L. Lighting shall be located along streets, parking areas, at intersections and where various types of circulation systems merge, intersect or split.
- M. Pathways, sidewalks and trails shall be lighted with low or mushroom-type standards or shielded fixtures creating a similar lighting effect.
- N. Stairways and sloping or rising paths, building entrances and exits require illumination.
- O. Lighting shall be provided where buildings are set back or offset, if access is provided at such points.
- P. 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.
- Q. All lighting shall be designed to prevent misdirected or excessive artificial light and to maximize energy efficiency.

§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 Section 7 – Schedule A, of this Chapter.

§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 7 – Schedule A, of this Chapter.
- C. All electric utility floodlights shall be subject to the requirements in Section 4 - 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.
- F. All such lights shall be independently-metered unless the Borough has agreed to assume financial responsibility for said floodlight.

§250-7**Schedule A.****SCHEDULE A**

- A. The following intensity in footcandles shall be provided:
 - 1. Parking lots: a minimum average of 0.5 footcandles throughout.
 - 2. Intersections: 3.0 footcandles.
 - 3. Maximum at property lines: 0.5 footcandles at the property line in residential zones or where the property abuts a residential zone; otherwise, 1.0 footcandles.
 - 4. In residential areas: 0.5 footcandles.
- B. 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.
- C. If personal security or vandalism is a likely and/or severe problem, an increase above the Basic level may be appropriate.
- D. High vehicular traffic locations should generally require the Enhanced Level of illumination. Exits, entrances, internal connecting roadways and such would be some examples.
- E. Increasing the above illuminance is not likely to increase safety and security. 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.

§250-8**Prohibitions.**

Searchlights or flashing or animated signs are prohibited.

§250-9**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, Police 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.
- D. Any violation of a Lighting Plan that was submitted to the Planning Board in connection with a Site Plan, Subdivision, or other application, may be enforced by the Borough as a violation of the conditions of approval.

§250-10 [RESERVED]

§250-11 [RESERVED]

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, Police 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 of 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.

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.

A motion Introduced for second reading **Ordinance No. 2021-1511** by Councilmember Koelling; seconded by Councilmember Roche; Clerk read by title only.

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

Rich Baudisch

Is this retro active. The borough attorney stated no, this is for new or replacement lighting. Mr. Baudisch would like Orange and Rockland to replace the new LED lighting. The attorney stated they are working with Orange and Rockland.

Frank DiPalma

The new street lights are much brighter; Does this ordinance impact residential lights like motion lights. The attorney stated yes, it prohibits the level of lighting that will impact on your neighbors.

Carolee Adams

Purpose of street lights is a matter of safety.

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 Roche; seconded by Councilmember Koelling; Clerk read by title only. - All ayes on a roll call vote

MEETING OPEN TO PUBLIC:

Agenda Items Only

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

No Public Comment

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

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

August 10, 2021

A motion to accept the minutes by Councilmember Koelling; seconded by Councilmember Roche – 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.

134-2021 A Resolution Supporting Party City's Application For The NJ Emerge Tax Credit Program For A Corporate Location In Woodcliff Lake

WHEREAS, Party City has submitted an application with the State of New Jersey Economic Development Agency for the NJ Emerge Tax Credit for property located at 100 Tice Boulevard in Woodcliff Lake, New Jersey; and

WHEREAS, the site will be vacated in the near future; and

WHEREAS, the location of Party City at the site is anticipated to create over 700 jobs, generate revenue and enhance and stabilize the commercial/retail zone in Woodcliff Lake, and will also have additional benefits for neighboring communities such as Montvale; and

WHEREAS, the Woodcliff Lake Governing Body believes the approval of Party City's application for a tax credit will provide the necessary incentive for Party City to relocate to the Borough of Woodcliff Lake; and

WHEREAS, the Borough of Montvale is desirous of supporting Party City's application and encouraging the grant of a tax credit to bring a desirable corporate tenant to the neighboring community of Woodcliff Lake.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Montvale, County of Bergen, does hereby support and recommend the approval of the application of Party City for the NJ Emerge Tax Credit Program; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed, authorized and empowered to forward a copy of this resolution the State of New Jersey Economic Development Agency and Party City upon its passage.

135-2021 Home Improvement Program/26 Westmorland Ave/Severe Structures LLC

WHEREAS, Community Grants, Planning & Housing (CGP&H) provides Administrative Agent Services to the Borough of Montvale and serves as the Administrator of the Township's Home Improvement Program; and,

BOROUGH OF MONTVALE

SEPTEMBER 14, 2021

WHEREAS, CGP&H has conducted the procurement process on behalf of the Borough of Montvale, pursuant to the duties and responsibilities outlined in their Professional Services Contract, for certain improvements in connection with the Borough of Montvale Home Improvement Program Case No. MTVAL-2104, located at 26 Westmoreland Ave, Montvale, NJ 07645, Block 1608, Lot 23 of the tax map of the Borough of Montvale; and, **WHEREAS**, the Qualified Purchasing Agent has consented to the recommendation of award issued by CGP&H, and further recommends award by the governing body for tracking and accounts payable purposes. **NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey hereby award a contract to Severe Structures LLC., located at 38 Delaware Ave, Passaic, NJ 07055 in the amount not to exceed \$20,000 for the project Borough of Montvale Home Improvement Program Case No. MTVAL-2104, located at 26 Westmoreland Ave, Montvale, NJ 07645, Block 1608, Lot 23 of the tax map of the Borough of Montvale.

136-2021 Authorize Release of Escrow /Vanessa Formica /15 Flintlock Road/Block 1301/Lot 24.1

WHEREAS, Vanessa Formica located at 15 Flintlock Road, Montvale, NJ 07645 have requested release of escrow posted for Block 1301, Lot 24.1; 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 Vanessa Formica in the amount of \$456.50; and

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

137-2021 Award /Purchase Construction Dept. Vehicle/ Hertrich Fleet Services, Inc. / State Contract #21-Fleet-01483 (T2776)

WHEREAS, the Mayor and Council approved the purchase of a 2022 Chevrolet Tahoe 4WD 4dr SSV-Non-Pursuit CK15706 vehicle for the Montvale Construction Department; and

WHEREAS, the Borough of Montvale hereby authorized the purchase with Hertrich Fleet Services, 1427 Bay Road, Milford, DE 19963 in the amount of \$37,672.75; and

NOW, THEREFORE, BE IT RESOLVED, the Chief Financial Officer has certified that funds are available and certification is attached to the original of this resolution.

NOW THEREFORE, BE IT FURTHER RESOLVED, the Mayor and Council authorize said purchase from Hertrich Fleet Services, Inc.

138-2021 Authorizing Hiring McNerney & Associates/Preparation of Appraisal Report/36 Partridge Run

WHEREAS, the Borough of Montvale (hereinafter the "Borough") is the taxing authority for all properties located within its municipal borders; and,

WHEREAS, the owner of real property located at 36 Partridge Run and identified as Block 1803 Lot 3 has filed a property tax appeal challenging the Borough's assessment of the property for the 2020 and 2021 tax years; and,

WHEREAS, the Borough is seeking to retain the services of a licensed appraisal company to assist in the defense of the aforesaid tax appeal, and to memorialize its conclusions of value in a certified trial-ready appraisal report that covers the aforementioned tax years; and,

WHEREAS, the Borough had received a Proposal, dated August 27, 2021, from McNerney & Associates, Inc. (hereinafter the "Proposal") to prepare an appraisal report for the total amount of \$1,500.00; and,

WHEREAS, a copy of the aforementioned Proposal is attached hereto as an Exhibit to this resolution; and,

WHEREAS the appointment of McNerney & Associates, Inc. is considered a professional service appointment exempted by N.J.S.A. 40A:11-5 of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that McNerney & Associates, Inc. is hereby appointed and authorized to prepare a trial ready appraisal report for the property located at 36 Partridge Run, at Block 1803 Lot 3 in the Borough of Montvale, in accordance with the terms set forth in the August 27, 2021 Proposal attached herein.

139-2021 Authorize Hiring McNerney & Associates/Preparation of Appraisal Report/102 Chestnut Ridge Rd.

WHEREAS, the Borough of Montvale (hereinafter the "Borough") is the taxing authority for all properties located within its municipal boundaries; and,
WHEREAS, the owner of real property located at 102 Chestnut Ridge Road and identified as Block 2904 Lot 3 (hereinafter the "Subject Property") has filed a property tax appeal challenging the assessment of the Subject Property for the 2017, 2018, 2019 and 2020 tax years; and,
WHEREAS, the Borough is seeking to retain the services of an appraisal company to assist in the defense of the aforesaid tax appeal, and to memorialize its conclusions of value in a trial ready appraisal report that covers the aforementioned tax years; and,
WHEREAS, the Borough had received a proposal dated October 21, 2020 from McNerney & Associates, Inc. (hereinafter the "Proposal") to prepare the desired appraisal report for the total amount of \$5,000.00; and,
WHEREAS, a copy of the aforementioned Proposal is attached hereto as an Exhibit to this resolution; and,
WHEREAS, the appointment of McNerney & Associates, Inc. is considered a professional service appointment exempted by N.J.S.A. 40A:11-5 of the Local Public Contracts Law.
NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that McNerney & Associates, Inc. is hereby appointed to prepare an appraisal report for the property located at 102 Chestnut Ridge Road, at Block 2904 Lot 3 in the Borough of Montvale, in accordance with the terms set forth in the attached Proposal for the 2017, 2018, 2019 and 2020 tax years.

140-2020 Authorizing Hiring McNerney & Associates/Preparation of Appraisal Report/20 Craig Rd.

WHEREAS, the Borough of Montvale (hereinafter the "Borough") is the taxing authority for all properties located within its municipal boundaries; and,
WHEREAS, the owner of real property located at 20 Craig Road and identified as Block 1902 Lot 11 (hereinafter the "Subject Property") has filed a property tax appeal challenging the assessment of the Subject Property for the 2018, 2019 and 2020 tax years; and,
WHEREAS, the Borough is seeking to retain the services of an appraisal company to assist in the defense of the aforesaid tax appeal, and to memorialize its conclusions of value in a trial ready appraisal report that covers the aforementioned tax years; and,
WHEREAS, the Borough had received a proposal dated October 21, 2020 from McNerney & Associates, Inc. (hereinafter the "Proposal") to prepare the desired appraisal report for the total amount of \$3,500.00; and,
WHEREAS, a copy of the aforementioned Proposal is attached hereto as an Exhibit to this resolution; and,
WHEREAS, the appointment of McNerney & Associates, Inc. is considered a professional service appointment exempted by N.J.S.A. 40A:11-5 of the Local Public Contracts Law.
NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that McNerney & Associates, Inc. is hereby appointed to prepare an appraisal report for the property located at 20 Craig Road, at Block 1902 Lot 11 in the Borough of Montvale, in accordance with the terms set forth in the attached Proposal for the 2018, 2019 and 2020 tax years.

141-2021 Tax Appeal Settlement/Block 2601/Lot 32.01/Unit C0036/36 Cider Mill Ct./Caruso

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Robert T. & Shirlee Caruso (hereinafter the "Tax Appeal"), under Docket Number 006339-2020; and,
WHEREAS, the aforesaid tax appeal involves a residential property located at 36 Cider Mill Court, and is otherwise referred to as Block 2601 Lot 32.01 Unit C0036 on the tax assessment map of the Borough (hereinafter the "subject property"); and,
WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel and the Borough Tax Assessor; and,
WHEREAS, the proposed Tax Appeal settlement would adjust the subject properties' property tax assessment to \$1,112,800 for the 2020 tax year; and,
WHEREAS, the provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") are expressly waived and shall not apply to the terms of this settlement; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the settlement of the aforesaid Tax Appeal is hereby approved; and,

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

142-2021 Tax Appeal Settlement/Block 2601/Lot 32.01/Unit C0036/36 Cider Mill Ct./Klein

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Richard & Tammy Klein (hereinafter the "Tax Appeal"), under Docket Number 006295-2021; and,

WHEREAS, the aforesaid tax appeal involves a residential property located at 36 Cider Mill Court, and is otherwise referred to as Block 2601 Lot 32.01 Unit C0036 on the tax assessment map of the Borough (hereinafter the "subject property"); and,

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

WHEREAS, the proposed Tax Appeal settlement would adjust the subject properties' property tax assessment to \$1,112,800 for the 2021 tax year; and,

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the settlement of the aforesaid Tax Appeal is hereby approved; and,

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

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

BILLS: Municipal Clerk read the Bill Report.

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

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

COMMITTEE REPORTS:

Councilmember Koelling

Police

Monthly report included in original minutes; reminder to lock your cars and do not leave your key fob in the car.

Thanked all first responders for their worked during the storm.

Celebration of Life for Al Nagy will be held on September 25 from 3-6pm at Tri-Boro

Councilmember Arendacs

Engineering

Bocce ball courts will be completed soon, waiting on the turf

DPW

Busy before and after the storm; Continuing maintenance of all borough properties are ongoing;

Montvale Advisory Committee

Collected approximately \$4,000 is donated supplies for the people impacted by the storm in Rochelle Park, plus an additional \$2,000 in checks to buy supplies needed; 650 homes were damaged, 300 were inhabitable. It was overwhelming to see how Montvale is truly a giving town.

Councilmember Russo-Vogelsang

Construction

158 permits issued for the month of August and 72 Certificate of Occupancies issued.

Schools are back in session full time

Councilmember Roche

Chamber of Commerce

Street Fair is scheduled for October 17;

Special Events/Recreation

Day in the Park

Thank you to the Mayor and Council, the Special Events Committee, the Department of Public Works, the Fire Department, Police Department, Tri-Boro Ambulance, the event volunteers and the many local organizations that were all such a big part in the success of Day in the Park!

From Karate came TaeKwon-Do and from TaeKwon-Do, the Art of My-Way-Of-Life is born. MY-WAY, the Art of Self-Defense and Wisdom Living.

MY WAY

Memorial Drive Huff Park Area (Sr/Cmnty Center during Inclement Weather)

Wednesdays and Thursdays: 6:00-7:00 pm

September 29 – November 18

Children in Kindergarten and older are welcome

Resident: \$120 Non-Resident: \$180

Environmental Commission

Held Bat night on September 3rd, currently working on kits to build your own bat houses;

As a result of the storm, there was damage to Huff Pond and the Trail. They are working with OEM and FEMA for assistance and funding

Council President Lane

Fire Dept

19 fire calls; 2 drills; total of 184 calls up to date; the 9/11 monument is spectacular to see especially at night

Diversity Committee

Sept 15-Oct 15 is Spanish Heritage Month; Virtual story time event on Sept 28th at 4pm, email the committee at diversitycommittee@montvaleboro.org. Looking for committee members. The committee will have a table at the Montvale Street Fair on October 17th

Finance

Will Be Starting the budget process – All Open To The Public

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

a. 2021 Road Program Engineering Proposal

The proposed roads will be 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. In addition PSEG will be paving a total of 38 roads. Will have a proposal to go out to bid next meeting.

b. FEMA Application Tropical Storm Ida. Clearing and de-snagging of the Pascack Brook.

Walked the entire length of the Pascack brook; waiting for a number to clear and de-snag the areas

A motion to open the meeting to the public by Councilmember Koelling; seconded by Councilmember Roche – all ayes

Frank DiPalma, OEM

Busy reaching out to the County, State and FEMA; the borough received FEMA monies approximately \$150,000 for COVID and Hurricane Isaias

Councilmember Russo-Vogelsang asked what recourse does residents have that had damage to their property; the engineer stated to go to the FEMA website

Rich Baudisch, Eagle Ridge

10 years ago some of his neighbors built a wall along the brook; with this storm it was damaged; he is looking for guidance from the council.

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

ATTORNEY REPORT:

Joe Voytus, Esq.
Report/Update
No Report

UNFINISHED BUSINESS:

None

NEW BUSINESS:

a. GreenDrop Trucks/Household Goods Donation Center/Request To Lease 5 Parking Spaces

After a brief discussion, councilmembers decided to have them come to a meeting for further discussion

b. For Discussion / Draft Resolution 143-2021 A Resolution Encouraging Teterboro Airport, the FAA and the Port Authority of New York and New Jersey to Implement a New Flight Path to Teterboro Airport

WHEREAS, the Governing Body of the Borough of Montvale recognizes the serious negative impact on its residents resulting from the barrage of business jets flying overhead for arrival at Runway 19 at Teterboro Airport; and

WHEREAS, the detrimental effect of low flying jets at high rates of speed with low altitudes often on a descending path, generating high pitched, loud, whistling and roaring engines degrades the quality of life for Borough residents; and

WHEREAS, the flight patterns of jets arriving via Runway 19 also impacts the tranquility and quality of life for residents in other municipalities and such flight paths rely on an Instrument Landing System (ILS), which system has lately guided upwards of 200 arriving business jets per day, often 30 during a busy hour, over the homes of residents in the path, generating unreasonably high levels of noise pollution; and

BOROUGH OF MONTVALE

SEPTEMBER 14, 2021

WHEREAS, the Governing Body recognizes that numerous factors affect the routing of aircrafts by the FAA and air controllers, including Teterboro's status as a feeder airport to Newark and other area airports, such that conditions in Newark and the other airports impact the routing decisions of Teterboro; and

WHEREAS, the FAA and the Port Authority of New York/New Jersey, as well as Teterboro management with the advice of its TANAAC Committee, have long recognized a problem with the growing volume of jets arriving via Runway 19 over municipalities beginning with Montvale to the North and Hackensack to the South; and

WHEREAS, the FAA engaged in and completed a diligent study of the issue, including public hearings and comment periods, resulting in a recommendation effective July 1, 2021 to designate, publish and implement an alternate flight path and train pilots and air traffic controllers in the use of such alternate path; and

WHEREAS, such training and publication have for the time being been completed such that there is now an expectation by the FAA that pilots will use the new flight path.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Montvale strongly urge Teterboro Airport, under the auspices of the FAA and with the necessary involvement of the Port Authority of New York/New Jersey to make all necessary efforts to implement the alternate flight path in order to reduce the excessive noise pollution over the current ILS path and diminish the frequent abundance of flights over the narrow strip of land leading from Montvale to the south; and

BE IT FURTHER RESOLVED, that Teterboro Airport and the other Authorities fully consider new and widely accepted routing methods such as GPS and three-dimensional routing systems; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby directed, authorized and empowered to forward a copy of this resolution to all interested Parties upon its passage.

Introduced by: Councilmember Roche; seconded by Councilmember Koelling - a roll call was taken - all ayes The borough attorney gave a brief explanation stating that this to support the changing of the flight paths because of the noise and disruption to the residents. Woodcliff Lake adopted a similar resolution and Mayor Ghassali wanted to do the same.

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

Carolee Adams

Noticed more air traffic, curious as to why

A motion to close the meeting to the public by Councilmember Koelling; seconded by Councilmember Roche

COMMUNICATION CORRESPONDENCE:

a. Certificate Making Award General Improvement Bonds/From Bond Council

This is for informational purpose only

MEETING OPEN TO THE PUBLIC:

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

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

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

Frank DiPalma

Day in the Park was a great event, everything went well; Astronomy night was held at Fieldstone field on August 25th. Would like to see the Diversity committee do an event for Italian American Month in October.

Carolee Adams

Would like to acknowledge Steve from DPW and how he was checking all sewers before storm; can our sewer systems handle the overdevelopment, how will that effect our run off in the future; September 17 is Constitution Day, we are not recognizing that day, also on that day it is Citizenship Day.

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

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

Meeting was adjourned at 9:46pm

Next Meeting of the Mayor & Council will be on September 28th, 2021 at 7:30pm in person.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk