

**AGENDA
PUBLIC MEETING
BOROUGH OF MONTVALE
Mayor and Council Meeting
Thursday, November 10, 2022
Meeting to Commence 7:30 P.M.**

ROLL CALL:

Councilmember Arendacs
Councilmember Cudequest
Councilmember Koelling

Councilmember Lane
Councilmember Roche
Councilmember Russo-Vogelsang

ORDINANCES:

INTRODUCTION ORDINANCE NO. 2022-1526 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, ESTABLISHING A NEW CHAPTER 326 ENTITLED "SITE PLANS," AND AMENDING AND SUPPLEMENTING CHAPTER 400, "ZONING," OF THE BOROUGH CODE TO TRANSFER THE BOROUGH'S SITE PLAN REQUIREMENTS FROM CHAPTER 400 TO A NEW CHAPTER 326, AND ESTABLISHING CERTAIN PROVISIONS RELATED TO OBTAINING WAIVERS FROM THE BOROUGH'S SITE PLAN REQUIREMENTS

(Public Hearing 11-29-22)

MEETING OPEN TO PUBLIC:

Agenda Items Only

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

October 25, 2022

CLOSED/EXECUTIVE MINUTES:

October 25, 2022

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.

- 162-2022 Refund Overpayment of Taxes/ Due to Veteran Exempt Status
- 163-2022 Authorize Municipal Alliance Grant Fiscal Year 2024
- 164-2022 Authorize Purchase/Police Outdoor License Plate Reader Cameras/PackeTalk
- 165-2022 Authorize Montvale Borough Hall HVAC/Final Change Order #4/Closeout Contract Amount Air Systems Maintenance, Inc.
- 166-2022 Authorize Purchase NJ State Contract/Borough Administration Equipment/Dell Technologies
- 167-2022 Authorize Hiring / Full Time / Accounts Payable Receivable Clerk / Tybe Manzelli
- 168-2022 Authorize Hiring / Part-Time / Certified Financial Officer (CFO) / Matthew Cavallo
- 169-2022 A Resolution Adopting an Amended Spending Plan for the Borough of Montvale
- 170-2022 Transfer of Appropriations

BILLS:

REPORT OF REVENUE:

COMMITTEE REPORTS:

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

ATTORNEY REPORT:

Joe Voytus, Esq.
Report/Update

UNFINISHED BUSINESS:

- a. Municipal Parking Lot / Discussion

NEW BUSINESS:

- a. Mayoral Appointment/Governing Body Members/Examining Board Montvale Police Department/Police Chief Promotional Process
- b. 2022 Survey Best Practices Inventory Submission/Borough of Montvale Scoring 31/No Aid Withholding

COMMUNICATION CORRESPONDENCE:

None

MEETING OPEN TO THE PUBLIC:

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

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

The Next Regular Public Meeting of the Mayor & Council to be held at 7:30pm on November 29, 2022.

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

BOROUGH OF MONTVALE

ORDINANCE NO. 2022-1526

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 10th day of November 2022, 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 29th day of November 2022 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

ORDINANCE NO. 2022-1526

AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, ESTABLISHING A NEW CHAPTER 326 ENTITLED "SITE PLANS," AND AMENDING AND SUPPLEMENTING CHAPTER 400, "ZONING," OF THE BOROUGH CODE TO TRANSFER THE BOROUGH'S SITE PLAN REQUIREMENTS FROM CHAPTER 400 TO A NEW CHAPTER 326, AND ESTABLISHING CERTAIN PROVISIONS RELATED TO OBTAINING WAIVERS FROM THE BOROUGH'S SITE PLAN REQUIREMENTS

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

Section 1. Chapter 400, "Zoning," Article XII, "Site Plan Review," is hereby removed from Chapter 400 and transferred to a new Chapter 326, "Site Plans." The sections of said Article shall be renumbered and the Article shall read as follows:

CHAPTER 326

Site Plans

Article I

Site Plan Review

- § 326-1 Authority and scope.**
- § 326-2 Title.**
- § 326-3 Purposes.**
- § 326-4 Definitions.**
- § 326-5 Review required.**
- § 326-6 Fees and deposits.**
- § 326-7 Application procedure.**
- § 326-8 Presubmission conference.**

- § 326-9 **Formal site development plan filing procedure.**
- § 326-10 **Final site plan submission requirements.**
- § 326-11 **Approval or disapproval of site development plan.**
- § 326-12 **Performance standards.**
- § 326-13 **Public hearings.**
- § 326-14 **Effect of approval.**
- § 326-15 **Exceptions; simultaneous review and approval.**
- § 326-16 **Off-tract improvements.**
- § 326-17 **Expiration of site plan approval.**
- § 326-18 **Enforcement.**
- § 326-19 **Interpretation.**
- § 326-20 **Repealer.**
- § 326-21 **When effective.**
- § 326-22 **(Reserved)**
- § 326-23 **(Reserved)**

Article II
Site Plan Waiver Requirements and Use Permits

- § 326-24 **Purpose and intent.**
- § 326-25 **Standards applicable to site plan waivers.**
- § 326-26 **Application procedures for use permits.**
- § 326-27 **Standards for granting use permits.**
- § 326-28 **Violations and penalties.**
- § 326-29 **(Reserved)**
- § 326-30 **(Reserved)**

Article I - Site Plan Review

§ 326-1 Authority and scope.

This Article consists of an ordinance establishing rules, regulations and standards governing site plan review within the Borough of Montvale, pursuant to the authority as set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and amendments and supplements thereto, setting forth the procedure to be followed in applying and administering these rules, regulations and standards, and providing penalties for the violations thereof.

§ 326-2 Title.

This Article of this Chapter shall be known as "Site Plan Review."

§ 326-3 Purposes.

The regulations set forth in this Article are deemed necessary to achieve the following purposes:

- A. Promote orderly development. To protect the character and to maintain the stability of all areas within the community and to promote the orderly and beneficial development of such areas.
- B. Promulgate rules and regulations. To provide rules, regulations and procedures where applicable and to the extent the same have not been otherwise promulgated by ordinance in the Borough of Montvale which will guide the appropriate development of the lands within the Borough in a manner which will promote the public health, safety, morals and general welfare.
- C. To protect against hazards and danger. To secure safety from fire, flood, panic and other natural and man-made disasters.
- D. Design standards. To encourage the design and location of streets which will promote the free flow of traffic while discouraging the location of such facilities and routes which will result in congestion.
- E. Creative development techniques. To promote a desirable physical environment through creative development techniques, design and arrangement.
- F. Open spaces. To promote the conservation of open space and to protect the natural resources and to prevent overcrowding through improper land use.

§ 326-4 Definitions.

- A. Unless the context otherwise indicates, the following definitions shall be used in the interpretation and construction of this Chapter. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot"; the word "used" includes the words "arranged, designed, constructed, converted, rented, leased or intended to be used"; the word "shall" is mandatory and not optional; and the word "may" is permissive.

ADMINISTRATIVE OFFICER

The Secretary to the Montvale Planning Board for any application before the Planning Board.

APPLICANT

A developer submitting an application for development.

APPLICATION FOR DEVELOPMENT

The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to law.

APPROVING AUTHORITY

The Planning Board of the Borough of Montvale.

BOARD

The Planning Board of the Borough of Montvale.

BUILDING

A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

COMMON OPEN SPACE

An open space area within or related to a site designated as a development or designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

CONDITIONAL USE

A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter and upon the issuance of an authorization therefor by the Planning Board.

CONVENTIONAL

Development other than planned development.

COUNTY MASTER PLAN

A composite of the Master Plan for the physical development of Bergen County, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the Bergen County Planning Board pursuant to N.J.S.A. 40:27-2 and 40:27-4, as the same may be amended or supplemented.

DAYS

The number of calendar days for the purposes of this Chapter.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other

person having an enforceable proprietary interest in such land.

DEVELOPMENT

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining, excavation or landfill and any use or change in the use of any building or other structure or use or extension of use of land, for which permission may be required.

DRAINAGE

The removal of surface water or groundwater from land by drains, grading or other means, including the control of runoff, to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

ENVIRONMENTAL COMMISSION

A municipal advisory body created pursuant to P.L. 1968, c. 245 (N.J.S.A. 40:56A-1 et seq.).

EROSION

The detachment and movement of soil or rock fragments by water, wind, ice and gravity.

FINAL APPROVAL

The official action of the approving authority taken on a preliminary approved site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion or approval conditioned upon the posting of such guaranties.

GOVERNING BODY

The Mayor and Borough Council of the Borough of Montvale.

HISTORIC SITE

Any building, structure, area or property that is significant in the history, architecture, archeology or culture of this state, its communities or the nation and which has been so designated.

INTERESTED PARTY

For the purpose of this chapter, any person, whether residing within or without the Borough of Montvale, whose right to use, acquire or enjoy property is or may be affected by any action taken under this chapter, or whose rights to use, acquire or enjoy property under this chapter, or under any other law of this state or the United States have been denied, violated or infringed by an action or failure to act under this Code.

LAND

Includes improvements and fixtures on, above or below the ground surface.

LOT

A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

MAINTENANCE GUARANTY

Security, other than cash, which may be accepted by the Borough of Montvale for the maintenance of any improvements required by this chapter.

MASTER PLAN

A composite of one or more written or graphic proposals for the development of the Borough of Montvale, adopted by the Montvale Planning Board.

MINOR APPLICATION

Any application, other than for subdivision, where the aggregate estimated cost of improvements to the land, inclusive of site improvements, where necessary, do not exceed \$500.

OFFICIAL COUNTY MAP

The map, with changes and additions thereto, adopted and established, from time to time, by resolution of the Board of Chosen Freeholders of Bergen County pursuant to N.J.S.A. 40:27-5.

OFFICIAL MAP

A map and accompanying ordinance adopted by the governing body of the Borough of Montvale pursuant to law. Such a map shall be deemed to be conclusive with respect to the location and width of streets and public drainageways and the location and extent of flood control basins and public areas, whether or not such streets, ways, basins or areas are improved or unimproved or are in actual physical existence.

OFF SITE

Located outside the lot lines of the lot in question but within the property (of which the lot is part) which is the subject of a development application or on a contiguous portion of a street or right-of-way.

OFF TRACT

Not located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

ON SITE

Located on the lot in question.

ON TRACT

Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

OPEN SPACE

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for use and enjoyment by owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

PERFECTED APPLICATION

For the purpose of this Chapter, one that is submitted in a proper and complete form, including all required application forms and maps, all required fees are submitted and filed within the appropriate time schedules, and proof is included that no taxes or assessments for local improvements are due or delinquent on the property for which approval is sought.

PERSON

Any individual, firm, association, partnership, corporation, syndicate, copartnership, trust or other legal entity.

PLAN

The provisions for development of a planned development, including a plat of the subdivision; all covenants relating to use, location and bulk of buildings and other structures; intensity of use or density of development; public or private streets, driveways and parking facilities; open space and public facilities.

PLANNED RESIDENTIAL DEVELOPMENT

An area with a specified minimum of five acres of contiguous land to be developed as a single entity according to a plan containing one or more residential clusters and which may include public or quasi-public uses, all for the primary benefit of the residential development.

PLAT

A map or maps of a subdivision or site plan pursuant to the provisions of this article and/or Chapter 350, Subdivision of Land, of the Borough of Montvale.

SIGHT TRIANGLE

As defined in § 400-8 of this Code.

SITE PLAN

A development plan of one or more lots on which is shown:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways.
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping,

structures and signs, lighting and screening devices.

3. Any other information that may be reasonably required in order to make an informed determination pursuant to this chapter.
- B. All other terms used in this Chapter not herein defined shall be accorded the meaning afforded them by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.

§ 326-5 Review required.

- A. Except as hereinafter expressly provided, no building or land shall be used, and no building or structure shall be built, altered, erected or used, and no other land shall be cleared or graded, nor any building permit or certificate of occupancy issued as a matter of right, but such shall be granted on application and approval of the Planning Board of the Borough of Montvale, as may in the case be the appropriate authority, in accordance with the provisions as embodied in this Article and Article XIII of Chapter 400. Development plan approval shall be required for all cases except those specifically excepted from the provisions of this chapter.
- B. Notwithstanding the provisions of this article, no site plan approval shall be required prior to the issuance of a building permit or certificate of occupancy for any new building or addition to an existing building if such building or addition is used or is intended to be used solely as a single-family detached dwelling or as an accessory thereto.
- C. Applications satisfying the conditions set forth in Article II of this Chapter shall be exempt, to the extent set forth therein, of the provisions of this Chapter.

§ 326-6 Fees and deposits.

- A. Unless otherwise provided by law or elsewhere by ordinance, the nonrefundable fees and the deposits in connection with site development applications or the rendering of any services by the Planning Board shall be as set forth in this section and on Schedule A, adopted by ordinance and on file with the Land Use Administrator. In the event of a conflict between the fees in this section and those set forth on Schedule A, the fees on Schedule A shall apply.
- B. Escrow fees.
 - (1) In addition to the required application fees established herein, the applicant shall

be required to establish one or more escrow accounts with the Borough of Montvale to cover the reasonable costs of professional review and consultation.

- (2) Said escrow fees shall be required for preliminary site plan approval, final site plan approval and any site plan requiring conditional use approval, any site plan requiring subdivision approval and any site plan requiring a variance of any type.

C. Such additional deposits to be paid to the Borough Treasurer at the time of submission of a development plan are as follows:

- (1) Three thousand dollars for the 40,000 square feet of land or part thereof included within the site development.
- (2) An additional sum computed at the rate of \$150 per 1,000 square feet of land or part thereof in excess of 40,000 square feet of land.
- (3) A sum computed at the rate of \$60 per 100 square feet for the first 30,000 square feet of building floor area or part thereof included within the site development plan.
- (4) An additional sum computed at the rate of \$30 per 100 square feet for each square foot of building floor area in excess of 30,000 square feet.

D. Use of deposits; reimbursement of professionals and consultants.

- (1) Funds on deposit shall be expended to reimburse the municipality and approving authority in accordance with P.L. 1995, c. 54, for monies paid to professionals and consultants engaged by them on account of the reasonable cost to their services rendered with reference to the application for which the deposit has been established. Upon receipt of sufficient funds for the escrow account, the administrative officer shall notify the professionals and other consultants of the approving authority that all appropriate examinations and reviews may be undertaken.
- (2) Each payment charged to the deposit for review of applications, review and preparation of documents and inspection of improvements shall be by a voucher from the professional, including municipal employees who may render such services. This voucher shall identify the personnel performing the service and, for each date the services performed, the hours spent to one-fourth-hour increment, the hourly rate and the expenses incurred. All professionals shall submit vouchers to the Treasurer of the Borough of Montvale on a monthly basis. The professional shall send an informational copy of all vouchers or statements sent to the Treasurer of the Borough simultaneously to the applicant. The Treasurer of the

Borough shall prepare and send to the applicant a statement which shall include an accounting of funds, listing all deposits, interest earnings, disbursements and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are \$1,000 or less, or on a monthly basis, if monthly charges exceed \$1,000.

- (3) If an escrow account or deposit contains insufficient funds to enable the Borough to perform required application reviews or improvement inspections, the Treasurer of the Borough shall provide the applicant with a notice of the insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall forthwith post a deposit to the account in an amount to be agreed by the Borough or approving authority and the applicant. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds.
 - (4) Upon final approval of and receipt of the signed site plan, the applicant shall send written notice by certified mail to the Treasurer of the Borough, the approving authority and to the relevant Borough professional that the application is completed. After receipt of such notice, the professional shall render a final bill to the Treasurer of the Borough within 30 days and shall send a copy simultaneously to the applicant. The Treasurer of the Borough shall render a written final accounting to the applicant on the uses to which the deposit was put within 45 days of receipt of the final bill. Any balances remaining in the deposit or escrow account, including interest in accordance with P.L. 1985, c. 315, shall be refunded to the developer along with the final accounting.
- E. The applicant shall, prior to the signing of an approved plan, deposit with the Borough of Montvale for the purpose of reimbursing the municipality or approving authority for disbursements made to its professionals subsequent to the approval on account of the application a sum equal to 3% of the estimated cost of the site improvements, which sum shall not be less than \$200.
 - F. As a further condition to approval and the issuance of a building permit, the applicant shall be required to enter into a developer's agreement with the Borough of Montvale, as drawn by the Planning Board Attorney, detailing the conditions of approval and the nature and scope of the work to be performed by the applicant.
 - G. The installation of all improvements shall be required prior to the issuance of a certificate of occupancy; provided, however, that in lieu of the completion of certain improvements deemed nonessential to the use and occupancy of the premises, the Mayor and Council may, for good cause shown, in their discretion, permit upon proof by the applicant that no substantial hazard or detriment will be created, the posting of performance guaranties in

appropriate form with sufficient securities in a form satisfactory to the governing body and in an amount sufficient to ensure completion of the said improvements.

H. The application fee for approval by the approving authority of a certificate of occupancy or change in use, ownership or occupancy for an existing building where no improvements or variances are to be required shall be \$225, payable to the Borough of Montvale. In addition, where the approving authority has granted an approval upon which conditions are imposed, the approving authority may, in its discretion, require the applicant to deposit with the Borough of Montvale, for the purpose of reimbursing the municipality or approving authority for disbursements made to its professionals for the preparation of a memorializing resolution of approval and/or required inspections related thereto, a sum equal to 3% of the estimated cost of meeting the conditions, which sum shall not be less than \$200. All other procedures and requirements of this § 326-6 relating to escrow deposits shall also apply in the case of any deposit required by this subsection.

I. Appeals.

(1) An applicant shall notify, in writing, the governing body, with copies to the Treasurer of the Borough, the approving authority and the professional whenever the applicant disputes the charges made by a professional for service rendered to the Borough in reviewing applications for development, review and preparation of documents, inspection of improvements or other charges made pursuant to the provisions of P.L. 1975, c. 291. The governing body, or its designee, shall within a reasonable time period attempt to remediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the County Construction Board of Appeals any charge to an escrow account or a deposit by the Borough professional or consultant pursuant to the procedures set forth in P.L. 1995, c. 54.

(2) During the pendency of any appeal, the Borough or approving authority shall continue to process, hear and decide the application for development and to inspect the development in the normal course. Further, the Borough or approving authority shall not withhold, delay or deny reviews, inspections, signing of site plans, the reduction or the release of performance or maintenance guaranties, the issuance of construction permits or certificates of occupancy or any other approval or permit because an appeal has been filed or is pending under this subsection. The Treasurer of the Borough may pay charges out of the appropriate escrow account or deposit for which an appeal has been filed. If a charge is disallowed after payment, the Treasurer shall reimburse the deposit or escrow account in the amount of any such disallowed charge or refund the amount of the applicant. If a charge is disallowed after payment to a professional or consultant

who is not an employee of the municipality, the professional or consultant shall reimburse the municipality in the amount of any such disallowed charge.

§ 326-7 Application procedure.

An applicant for sketch plat approval shall submit the following along with the application:

- A. The applicant shall submit five large copies (at least 24 inches by 36 inches but no more than 30 inches by 42 inches), 17 half-size copies, and one digital PDF copy (via email, CD, or thumb drive) of a completed application form, and all other required documentation in this section.
- B. In addition to the filing of an application and copies thereof as provided herein, the applicant shall file a sketch plat for the purpose of preliminary review or proceed immediately to file a formal site development plan as is provided for in § 326-109 of this chapter. In the event that the applicant elects to file a sketch plat with the approving authority, copies thereof shall be provided simultaneously with the application to those persons and agencies provided in § 326-109 of this chapter.
- C. The sketch plat, if submitted, shall be sufficiently detailed and understandable so as to show the subject property and surrounding land and shall set forth at least the following information:
 - (1) Lot and block designation(s) of the property and the development name.
 - (2) Property address.
 - (3) Name and address of the applicant and record owner of the property, if other than the applicant.
 - (4) Name, phone number, email address, license number, and seal of the person, firm, or organization preparing the sketch plat and for whom the sketch plat has been prepared.
 - (5) Name, phone number, email address, license number of the architect, landscape architect, planner, and traffic engineer, if applicable.
 - (6) Date prepared with all subsequent revisions noted on the sketch plat and dated.
 - (7) North arrow, written and graphic scales, and reference meridian.
 - (8) A key map showing the location of the property with reference to the surrounding

area showing the lot and block number(s) of the property, lot and block numbers of adjacent properties, rights-of-way, zoning districts, and municipal boundaries. The map shall be drawn at a scale of not less than one inch equals 1,000 feet and include a North arrow and written and graphic scales.

- (9) The location, names, and existing widths of the adjacent streets, rights-of-way, and curblines.
- (10) Names of all owners of record of adjacent properties within 200 feet of the tract, together with the lot and block numbers of the properties as shown on the most recent municipal tax records.
- (11) The existing zoning of the property and on all adjacent lands.
- (12) Tabulation of all applicable zone district bulk requirements with a comparison to the existing and proposed conditions. All calculations to determine bulk regulations shall be provided (i.e., lot coverage, building height, floor area ratio, etc.).
- (13) List of all variances and waivers/exceptions being sought by the applicant.
- (14) Location and width of any existing watercourse, existing rock outcrops, depressions, lakes and ponds, wooded areas, marshes, and any other significant environmentally sensitive or natural terrain features as may be determined by survey.
- (15) Location of any flood hazard areas with delineation and elevation of the 100-year-flood boundary or stormwater overflow within 200 feet of the tract.
- (16) Location of uses and outline of structures including walls, fences, culverts, underground storage tanks, bridges, and roadways presently located on the subject property and on properties immediately adjacent thereto for a distance of 200 feet.
- (17) Location of existing wells and septic systems on site and within 100 feet of the property.
- (18) Location of paved areas, sidewalks, vehicular accesses, and circulation elements between the property and public streets.
- (19) Location of any existing sewers, culverts, or water lines.
- (20) The location of existing and proposed buildings with front, rear, and side yard setback dimensions and structural improvements.

- (21) Location and area of proposed sidewalks, driveways, loading areas, off-street parking, or other paved areas.
 - (22) Any proposed grading, including the locations of proposed streets.
 - (23) Any proposed utilities, including stormwater drainage.
 - (24) Existing and proposed contours of the land, with a contour interval of not less than two feet. Existing contours are to be indicated by dashed lines, and proposed contours are to be indicated by solid lines. The reference datum shall be the United States Coast and Geodetic Survey data or other datum acceptable to the Borough Engineer.
 - (25) Location of all lands with a topographic slope of 15% or greater in its natural state shall be separately designated on the topographic map of the property. A table shall accompany the map that provides existing and proposed steep slopes on the property in both square feet and percent.
 - (26) All trees exhibiting a diameter of four inches or more measured 12 inches above the ground shall be specifically located, and all trees proposed to be removed shall be specified and provided in tabular format with size (dbh) and species.
 - (27) Landscape plan illustrating the location illustrating the location of all proposed plantings, including street trees, mulched areas, and lawn areas, along with a table detailing the proposed planting botanical name, common name, size, quantity, and planting details.
 - (28) Soil erosion and sediment control plan. If more than 500 cubic yards of soil is proposed to be moved (cut plus fill), an application for a major soil moving permit and information in accordance with § 329-4 shall be submitted.
- D. A written description of the proposed use and off- and on-tract improvements.

§ 326-8 Presubmission conference.

- A. Prior to the approval of the sketch plat, the applicant shall, if required, meet in person with the approving authority or its designated representatives. The purpose of the conference shall be to discuss the proposed uses of the development, to review the application and sketch plat submitted therewith and to determine what additional information should be supplied to conform with the detailed filing of the site development plan provided for under § 326-7 of this chapter.

- B. The presubmission conference required herein shall be held within 30 days of the receipt of the application and sketch plat by the designated officials. The approving authority or its duly-designated representatives may within 10 days of the date of the presubmission conference submit their reports, comments and recommendations to the applicant.

§ 326-9 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:

- A. Preliminary site plan and copies.
 - (1) File five large copies (at least 24 inches by 36 inches but no more than 30 inches by 42 inches), 17 half-size copies, and one digital PDF copy (via email, CD, or thumb drive) of the site development plan and related information with the Secretary of the Board.
 - (2) Said plan and copies shall be submitted to the Board Secretary at least 21 days prior to the Board meeting at which approval is requested and shall be accompanied by the fees and deposits in the amounts herein set forth in this chapter referable to the site development plan review.
- B. An application shall be considered perfected and filed when the application forms have been duly submitted, the fees and deposits paid, and the Borough Engineer and the Borough Planner shall have certified that the site development plan has been drawn in accordance with § 326-9 of this Chapter and is otherwise in a form required for the formal action of the Board.
- C. The officials to whom a copy of the site development plan has been submitted shall forward to the Board, not later than eight days prior to the second regular meeting of the Board succeeding the perfection of the application, their recommendations and comments, if any, in writing, concerning the site development plan. The Board shall consider the recommendations thus advanced but shall proceed in the absence of such recommendations.
- 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:
 - (1) Scale and dimensions. The map shall be at a scale of 10, 20, 30 or 40 feet to the inch, except that if the property has a maximum dimension in excess of 900 feet, a

scale of 50 feet to the inch may be used.

- (2) Description data.
 - (a) Lot and block designation(s) of the property and title of development.
 - (b) Address of the property.
 - (c) Name and address of the record owner of the property and applicant, if other than the record property owner.
 - (d) Name, address, license number, and seal of the person, firm, or organization preparing the plan and for whom the plan has been prepared.
 - (e) Date prepared with all subsequent revisions shall be noted on the plan.
 - (f) North arrow, written and graphic scales, and reference meridian.
 - (g) Sufficient description or information to designate precisely the boundaries of the property bearings which begin to the nearest 10 seconds or closer. The error of closure shall not exceed one in 10,000.
 - (h) The location, names, and existing widths of adjacent streets, rights-of-way, and curblines.
 - (i) A key map showing the location of the property with reference to the surrounding area, showing the lot and block number(s) of the property, address, lot and block numbers of adjacent properties, rights-of-way, zoning districts, and municipal boundaries. The map shall be drawn at a scale of no less than one inch equals 1,000 feet and include a North arrow and written and graphic scales.
 - (j) An aerial photograph with the property boundaries to evaluate effects upon existing vegetation and surrounding land uses.
 - (k) Names of all owners of record of adjacent properties within 200 feet of the site, together with the lot and block numbers of the subject premises as shown on the most recent municipal tax records.
 - (l) Location, width, and purpose of all existing and proposed easements, including, but not limited to, utility, drainage, sight, and access easements, within or joining the property.
 - (m) Tabulation of all applicable zone district bulk requirements with a comparison

to the existing and proposed conditions. All calculations to determine bulk requirements shall be provided (i.e., lot coverage, building height, floor area ratio, etc.).

- (n) List of all variances and waivers/exceptions being sought by the applicant.
 - (o) Approval block for signatures of the Board Chairperson, Board Secretary, Borough Engineer, and any outside agencies required to approve the proposed development.
- (3) Natural features.
- (a) Existing and proposed contours of the land, with a contour interval of not less than two feet. Existing contours are to be indicated by dashed lines, and proposed contours are to be indicated by solid bold lines. The reference datum shall be the United States Coast and Geodetic Survey data or other datum acceptable to the Borough Engineer.
 - (b) Location and width of any existing watercourse, existing rock outcrops, depressions, lakes and ponds, marshes, wooded areas, and any other environmentally sensitive or natural terrain features as may be determined by survey.
 - (c) Location of any wetland areas and wetland transition areas as determined by a letter of interpretation from the NJDEP or a qualified wetlands expert and a metes and bounds survey of said wetlands. Said areas shall be appropriately flagged in the field.
 - (d) Location of any flood hazard areas with delineation and elevation of the 100-year-flood boundary or stormwater overflow, including a metes and bounds description of the same, within 200 feet of the site.
 - (e) All lands with a topographic slope of 15% or greater in its natural state shall be separately designated on the topographic map of the site. The applicant shall provide a breakdown of existing and proposed steep slopes on the property in square feet and percent.
 - (f) All trees exhibiting a diameter of four inches or more measured 12 inches above the ground shall be specifically located, and all trees proposed to be removed shall be specified. The applicant shall present a table of existing and proposed trees to be removed by size (dbh).
- (4) Existing structures and utilities.

- (a) Location of all uses, buildings, and structures drawn to scale on and within 100 feet of the subject property. All structures, including walls, fences, culverts, bridges, roadways, and underground storage tanks, that are existing and proposed to remain shall be indicated with spot elevations. Structures to be removed shall be indicated by dashed lines.
 - (b) Location of all paved areas, sidewalks, vehicular access, and circulation elements, including rights-of-way, traffic control, directional signage, and railroads, between the site and public streets.
 - (c) Location, dimensions, grades, and flow direction of existing streets, culverts, and water lines, as well as other underground and aboveground utilities, including sanitary sewer, water, stormwater management, telephone, electric, gas, and cable TV, within and adjacent to the property.
 - (d) Any existing buildings, structures, and walls that are of historic importance or are of important archaeological, cultural, scenic or architectural significance on the subject property or within 200 feet of the property shall be so noted on the plans.
 - (e) Location and details of existing signage, lighting, landscaping, and solid waste areas to remain.
 - (f) The location of existing wells and septic systems on site and within 100 feet of the site.
- (5) Proposed development.
- (a) The applicant shall set forth in detail the exact use to be made of the property and the buildings and structures thereon, including, but not limited to, required yard and setback areas, lot coverage and building coverage calculations, and building height in feet and stories.
 - (b) The location of the proposed buildings or structural improvements with spot elevations at each corner of the proposed buildings. Floor space of all buildings, number of employees, housing units or other capacity measurements, where required, shall be so indicated.
 - (c) Survey of the site signed and sealed by a licensed professional land surveyor.
 - (d) Location, size, and details of all proposed signs.
 - (e) Lighting plans, including location, type, wattage, height, direction, power,

time of use, construction details, isolux lines, and location of security lighting, if proposed.

- (f) Preliminary architecture plans prepared by a licensed professional architect which include floor plans and building elevations illustrating floor area and room divisions, building height, facade design, and roof-mounted equipment, if applicable.
- (g) Landscape plan illustrating the location of all proposed plantings, including street trees, mulched areas, and lawn areas, along with a table detailing the proposed planting botanical name, common name, size, quantity, and planting details.
- (h) Details of traffic control devices with direction of traffic flow.
- (i) Location of fire lanes and other parking restrictions.
- (j) Soil erosion and sediment control plan. If more than 500 cubic yards of soil is proposed to be moved (cut plus fill), an application for a major soil movement permit and information in accordance with § 329-4 shall be submitted.
- (k) The location, arrangement, and construction of proposed sidewalks, driveways, loading areas, off-street parking areas, bicycle parking areas, solid waste and recycling disposal areas, fences, retaining walls, outdoor storage areas, or other paved areas. Improvements such as roads, parking areas, sidewalks, and other design details shall be indicated, including dimensions of parking stalls, access aisles, curb radii and traffic flows, and handicapped persons access facilities shall be provided.
- (l) Any proposed grading shall be illustrated at an interval of not less than two feet.
- (m) Location and design of proposed utility structures and lines, on-tract stormwater drainage with manholes, inlets, pipe sizes, grades, inverts, and flow directions, telephone, electric, water, gas, sanitary sewer, and cable TV lines.
- (n) Location of proposed area(s) to be used for snow equipment staging and/or the temporary storage of snow.
- (o) Location of any contemplated public improvements on or adjoining the property as indicated by the Borough Engineer.

- (p) If the site development plan is to be developed in phases, a phasing plan shall be submitted.
 - (q) A garbage and refuse recycling plan providing for an area reserved for the separation of garbage and recyclable materials, inclusive of provisions for the storage of recyclable and nonrecyclable waste and areas reserved for the pickup of such.
 - (r) Appropriate details to the Borough, county, and state standards, including sidewalks, curbs, paving, street signs, drainage, etc.
- E. An outline of any existing and proposed deed restrictions or covenants.
 - F. Name, phone number, email address, and license number of the architect, landscape architect, planner, and traffic engineer, if applicable.
 - G. Environmental impact statement in accordance with Article XIII of Chapter 400.
 - H. Copies of completed and submitted applications to the Bergen County Planning Board and Bergen County Soil Conservation District, if applicable.
 - I. Stormwater management plan, if applicable, three copies.

§ 326-10 Final site plan submission requirements.

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:

- A. In addition to the requirements provided in § 326-9, five large copies (at least 24 inches by 36 inches but no more than 30 inches by 42 inches), 17 half-size copies, and one digital PDF (via email, CD, or thumb drive) of the following information shall be submitted for all final major site plans:
 - (1) The preliminary site plan resolution of approval along with all proposed additions, modifications, or departures from said approval, if applicable.
 - (2) Final construction documents, including:
 - (a) Final site plans prepared by a licensed professional engineer for development, including construction details and engineering data.

- (b) Final architecture plans prepared by a licensed professional architect, detailing the proposed floor plans and building elevations and the size, materials, colors, and textures of the building façade.
- (c) Final landscape plans substantially conforming to the preliminary landscape plan and detailing specifications for all landscape improvements, planting details, and irrigation and maintenance details.
- (3) Certification and will-serve letters from water, sewer, electric, and gas utilities.
- (4) Four copies of all deeds with metes and bounds description for proposed easement dedications including dedication of additional road right-of-way.

§ 326-11 Approval or disapproval of site development plan.

- A. The approving authority shall take action under this section within the time periods provided in Chapter 65, Land Use Procedures, of the Code of the Borough of Montvale, as the same may be from time to time amended and supplemented.
- B. The action of the approving authority shall be in such form and on such notice as is required by Chapter 65, Land Use Procedures, of the Code of the Borough of Montvale, as the same may be from time to time amended and supplemented.
- C. Final plans and working drawings should not be submitted until after approval of the site development plan.
- D. Amendments to the site development plan as approved shall be acted upon in the same manner as the original plan.

§ 326-12 Performance standards.

As a prerequisite to the issuance of any building permit or certificate of occupancy for any use in the nonresidential districts, the applicant shall be required to demonstrate the following:

- A. Fire and explosion hazards. All activities of operation involving fire or explosive hazards shall be carried on in conformity with the provisions of Chapter 203, Fire Prevention, of the Code of the Borough of Montvale.
- B. Smoke, fumes, gases, dust, odors. There shall be no emission of any smoke, fumes, gas, dust, odors or any other atmospheric pollutant which will disseminate beyond the

boundaries of the lot occupied by such use.

- C. Liquid or solid waste. No use or occupancy shall discharge industrial waste of any kind into any reservoir, pond, pool or other body of open water. The discharge of untreated industrial waste into a stream shall be approved by the Borough and New Jersey State Health Departments. Effluence from a treatment plant shall at all times comply with the standards and requirements of Chapter 457, Sanitation and Health, of the Code of the Borough of Montvale.
- D. Vibration. There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which use is conducted.
- E. Glare. There shall be no direct, sky-reflected glare exceeding 0.5 footcandle measured at the property line of the lot occupied by such use. This regulation shall not apply to light used at the entrance and exits of service drives leading to a parking lot.
- F. No uses shall be permitted which are violative of any of the provisions of this chapter of the Borough of Montvale, including but not limited to the ordinances of the Board of Health. There shall be no vehicular access to any use established in nonresidential districts from any street that primarily serves residential neighborhoods.
- G. Signs. All signs shall comply with Article IX, Signs, of Chapter 400 of the Code of the Borough of Montvale.
- H. All buildings shall have adequate fire protection facilities and equipment and shall comply in all respects with Chapter 203, Fire Prevention.
- I. Landscaping.
 - (1) Effective landscaping, including the placement of trees, shrubs and grass, shall be provided in order to ensure the harmonious development of the area wherein a site is located and the attractiveness of the subject premises and to protect the natural resources of the premises. Landscaping plans shall be submitted to the Planning Board, which may be referred to the Environmental Commission for its recommendations. The above-mentioned landscaping plan shall include screening as is otherwise required by this chapter.
 - (2) It is the intention of this section to provide appropriate screening to conserve the existing natural resources and to develop a natural environment in harmony with the surrounding areas.
- J. Waste disposal.

- (1) Each site shall provide an area or areas internal of any principal building to be constructed, or external, provided that the same is concealed from parking areas, other properties and semipublic areas on the site with suitable vegetative material.
 - (2) Said areas shall be located at a place where they may be easily accessed without interfering with the general traffic circulation plan intended for the property.
 - (3) Areas so reserved shall include provision for the separation of the nonrecyclable and recyclable waste, as well as provision for the storage of each classification of material.
 - (4) The area reserved for the storage of such materials shall not be less than that as recommended or directed by the New Jersey Board of Public Utilities or the Bergen County Utility Authority; provided, however, that in the absence of any such recommendation or regulation, the areas reserved shall be sufficient in size to accommodate the storage of separated waste materials based on the maximum building occupancy, as limited by the Uniform Construction Code adopted by the Borough of Montvale, times 1.5 pounds of waste per day.
- K. Tree removal. No trees four inches or larger in diameter measured 12 inches above the ground shall be removed from the property unless the same shall interfere with the construction of buildings or utilities. In addition, no tree which, if removed, will impair growth and development of remaining trees on the property of the applicant or adjacent properties and/or cause erosion of soil, impair existing drainage, lessen property values in the neighborhood or impair the aesthetic values of the area shall be removed.
- L. Any deviation from the standards set forth in this Section shall require a variance pursuant to §400-52.

§ 326-13 Public hearings.

- A. A public hearing shall be required for the following applications:
- (1) Site plan approval.
 - (2) For any site plan requiring conditional use approval or the grant of any variance.
 - (3) For any site plan requiring subdivision (major) approval.
 - (4) For any site plan requiring planned residential development approval.
 - (5) For any site plan requiring a variance of any type.

- B. Availability of maps and documents prior to hearing. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least 10 days before the date of hearing at normal business hours, in the office of the administrative officer. The applicant may produce other documents, records or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.
- C. Rules regulating the conduct of hearings. The procedure applicable to public hearings required pursuant to this section shall be in accordance with Chapter 65, Land Use Procedures, of the Code of the Borough of Montvale, as the same may be from time to time amended and supplemented.

§ 326-14 Effect of approval.

The approval granted by the approving authority as above provided for shall be considered preliminary, which approval shall be deemed final upon application of the developer to the approving authority and upon the latter's final determination that all of the conditions of the preliminary approval, including the site development work, have been completed and are so certified by the Borough Engineer to the approving authority and the governing body.

§ 326-15 Exceptions; simultaneous review and approval.

- A. The approving authority, when acting upon an application for preliminary site plan approval, shall have the power to grant such exceptions from the requirements of the design standards required for site plan approval as may be reasonable and within the general purpose and intent of the provisions of site plan review, if the literal enforcement of one or more provisions of this chapter is impracticable or will effect undue hardship because of peculiar conditions pertaining to the land in question.
- B. The approving authority shall have the power to review and approve or deny under appropriate circumstances and within the power vested in it by the acts of the legislature, applications for subdivisions, site plans and variances and conditional uses where permitted simultaneously.

§ 326-16 Off-tract improvements.

As a condition for approval of a site plan, the approving authority may require the developer to pay his pro rata share of the costs of providing reasonable street improvements and water, sewerage and drainage facilities and easements therefor, located outside the property limits of the

development but necessitated or required by the construction of improvements within the development; provided, however, that this section shall in no way obligate the municipality to install such improvements in order to facilitate development, nor shall the approving authority approve a development requiring capital expenditure without appropriate action by the governing body.

§ 326-17 Expiration of site plan approval.

All site plan approval shall remain in effect for the period stated in Chapter 65, Land Use Procedures, of the Code of the Borough of Montvale, as the same may be from time to time amended and supplemented.

§ 326-18 Enforcement.

This article shall be administered and enforced by the Building Code officials, police or Fire Marshal and approving authority.

§ 326-19 Interpretation.

In their interpretation and application, the provisions of this article shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, prosperity and general welfare.

§ 326-20 Repealer.

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

§ 326-21 When effective.

This article shall take effect immediately after final passage and publication as provided by law.

§ 326-22 (Reserved)

§ 326-23 (Reserved)

Article II

Site Plan Waiver Requirements and Use Permits

- § 326-24 Purpose and intent.
- § 326-25 Standards applicable to site plan waivers.
- § 326-26 Application procedures for use permits.
- § 326-27 Standards for granting use permits.
- § 326-28 Violations and penalties.
- § 326-29 (Reserved)
- § 326-30 (Reserved)

Article II

Site Plan Waiver Requirements and Use Permits

§ 326-24 Purpose and intent.

The intent of this Article is to reduce the cost and time usually associated with the development review process for certain applications, to encourage economic growth, and to streamline smaller commercial development applications. The procedures applicable to this Article are intended primarily to address changes in occupancy to existing structures that have already obtained Site Plan approval from the Planning Board.

§ 326-25 Standards applicable to site plan waivers.

- A. Consistent with §326-5 of this Chapter, applications that satisfy the following criteria shall be eligible for a Use Permit and shall be exempt from the requirement of obtaining full Site Plan approval:
 - (1) Change in use of existing space within a building
 - (2) Existing Site Plan approval for the property
 - (3) No changes to building footprint
 - (4) No external construction work

(5) Sufficient parking provided on existing Site Plan for the additional parking requirement per Borough Code for the newly-occupied space

B. Applications for Use Permits shall be submitted to the Planning Board in accordance with §326-26 of this Chapter.

§ 326-26 Application procedures for use permits.

An applicant for Use Permit approval shall comply with the following:

- A. The applicant shall submit three (3) completed applications with original signatures on each, along with seventeen (17) copies of the completed and signed application.
- B. The applicant shall submit the applicable filing fee adopted by the Planning Board.
- C. After submission, the applicant will be advised by the Board as to when the matter will be heard by the Planning Board. All applicants are required to appear at the scheduled meeting. If the applicant is a corporation and/or LLC, appearance and representation by a licensed New Jersey attorney is required.
- D. Taxes must be current on the property in question.
- E. A list of employee zip codes (or the name of the town of employee origin) must be included with the application.

§ 326-27 Standards for Granting Use Permits.

- A. The Planning Board shall issue a Use Permit if the applicant demonstrates to the satisfaction of the Board that:
 - (1) The proposed use is permitted within the zoning district in which the property is located
 - (2) No external construction is required
 - (3) There is no change proposed to the building footprint
 - (4) The proposed use would not create a need for additional parking spaces beyond what is already provided for on an approved site plan
 - (5) The proposed use would not have a detrimental impact on the health, safety or welfare of the public
 - (6) The proposed use would not impair the purpose and intent of the Zoning Ordinance

- B. After receiving a Use Permit from the Planning Board, the applicant shall be required to obtain a CCO and/or a Resale/ New Tenant Certificate, as appropriate, from the Building Department in accordance with §170-14 of the Borough Code.

§ 326-28 Violations and penalties.

- A. Any person, persons, partnership, firm, corporation, holding company, foreign corporation, limited liability company or any other entity who in any manner knowingly fails to fully comply with the terms and covenants of this chapter shall be subject to the penalties provided herein.
- B. Any person(s) who violates any of the provisions of this chapter shall, upon conviction, be punishable as provided in Chapter 1, Article I, General Penalty.

§ 326-29 (Reserved)

§ 326-30 (Reserved)

Section 2. Chapter 400, "Zoning," Section 52 is hereby renamed "Performance standards," and shall read as follows:

§400-52 Performance standards.

The requirements set forth in §326-12, "Performance standards," shall be deemed to be zoning requirements, and compliance with said standards shall be required by all applicants for zoning approval. Any deviation from the requirements of this Section and §326-12 shall be deemed to require a zoning variance.

Section 3. 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 4. Effective date.

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

Section 5. 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.

Section 6. Upon approval of this Ordinance upon First Reading by the Mayor and Council of the Borough of Montvale, this Ordinance shall be transmitted to the Planning Board for its review and recommendation pursuant to N.J.S.A. 40:55D-26.

MICHAEL GHASSALI, Mayor

ATTEST:

MAUREEN IAROSSO-ALWAN, RMC

INTRODUCTION: 11-10-22

Councilmember	Yes	No
Arendacs		
Cudequest		
Koelling		
Lane		
Roche		
Russo-Vogelsang		

ADOPTED: 11-29-2022

Councilmember	Yes	No
Arendacs		
Cudequest		
Koelling		
Lane		
Roche		
Russo-Vogelsang		

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was in the Council Chambers and called to order at 7:33 pm. Adequate notification was published in the official newspaper of the Borough of Montvale. Roll call was taken.

OPEN PUBLIC MEETING STATEMENT

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

ROLL CALL:

Councilmember Arendacs	Councilmember Lane - absent
Councilmember Cudequest - absent	Councilmember Roche
Councilmember Koelling	Councilmember Russo-Vogelsang - via telephone

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

ORDINANCES:

None

MINUTES:

September 27, 2022

A motion to accept the minutes by Councilmember Roche; 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.

161-2022 Authorize The Cancellation of 4th Quarter Property Taxes and All Future Taxes Due To Granting Of Totally Disabled Veteran Status By Department Of Veterans Affairs

WHEREAS, this resolution authorizes the municipality to cancel property taxes for the 4th quarter of 2022 and for all future taxes due to the granting of totally disabled veteran status by the Department of Veterans Affairs per the Department's letter attached to the original resolution, for John Jeen Ahn. Mr. Ahn is the owner of 20 North Ave., Block 402, Lot 17.

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 cancel 4th quarter property taxes and all future taxes as per the above.

Introduced by: Councilmember Roche; seconded by Councilmember Arendacs - a roll call was taken - all ayes with the exception of Councilmember Koelling abstaining

BILLS: *Municipal Clerk read the Bill Report*

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

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

No Report

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

No Report

UNFINISHED BUSINESS:

- a. Review/Comments/Recommendations AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, ESTABLISHING A NEW CHAPTER 326 ENTITLED "SITE PLANS," AND AMENDING AND SUPPLEMENTING CHAPTER 400, "ZONING" OF THE BOROUGH CODE TO TRANSFER THE BOROUGH'S SITE PLAN REQUIREMENTS FROM CHAPTER 400 TO A NEW CHAPTER 326, AND ESTABLISHING CERTAIN PROVISIONS RELATED TO OBTAINING WAIVERS FROM THE BOROUGH'S SITE PLAN REQUIREMENTS

- 1) Montvale Planning Board Recommendation

Mr. Voytus explained that this will take out the chapter regarding Site Plans and make it its own chapter. This will allow to formalize the use permit procedure. After a brief discussion, the councilmembers agreed to introduce the ordinance at the next schedule meeting on November 10th.

NEW BUSINESS:

- a. 2023 Health Benefits Determination/Borough Employees/Open Enrollment/Percentage of Contributions Employee Contributions Toward Medical Plans/Determination Health Savings Account (HSA) Contribution Limits

Frank Covelli gave an overview of the health plans that BMED offers. He stated that the premiums did increase approximately 7.78%. Montvale's rates increased by 7.5%. Montvale received a dividend of \$64,000.00.

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

No Public Comment

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

Councilmember Roche stated that the Finance committee has determined that the borough will contribute towards the HSA \$3,850 for single coverage and \$7,750 for family coverage for those employees who choose the High Deductible Plan. Employees will contribute 10% towards the HD plan and 15% towards all other plans. A motion by Councilmember Roche to approve the health benefits and seconded by Councilmember Arendacs – a roll call was taken – all ayes

b. Certificate of Determination & Award
This is for informational purposes only

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 Koelling; seconded by Councilmember Arendacs – all ayes

Frank DiPalma

Wanted to know if anyone has heard any update with the train traffic. Mayor Ghassali stated that he spoke with NJ Transit and that are aware of the gates going down in Montvale when the train pulls into Park Ridge. They will look into it.

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

A motion to go into closed session by Councilmember Roche; seconded Councilmember Koelling – all ayes

ADJOURNMENT:

Motion to adjourn by Councilmember Roche; seconded by Councilmember Koelling – all ayes

Meeting adjourned at 8:10pm

The next Regular Public Regular Meeting of the Mayor & Council to be held on **Thursday, November 10th, 2022 at 7:30 pm. (due to Election Day being held on Tue. November 8)**

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 162-2022**

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 20 North Ave, John Ahn, is totally exempt from taxes due to his Veteran status, his mortgage company made a payment for the November 1st installment in the amount of \$4,414.57 which resulted in an overpayment; 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 \$4,414.57 to John Ahn, 20 North Ave, Montvale, NJ 07645

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

Adopted: November 10, 2022

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 163-2022**

RE: Authorize Municipal Alliance Grant Fiscal Year 2024

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 2024 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							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: November 10, 2022

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor



COUNTY OF BERGEN
DEPARTMENT OF HEALTH SERVICES
One Bergen County Plaza – 4th Floor -- Hackensack, NJ 07601-7076
(201) 634-2600 • FAX (201) 336-6086
www.bergenhealth.org
healthdept@co.bergen.nj.us

James J. Tedesco III
County Executive

Hansel F. Asmar
Director/Health Officer

The Honorable Mike Ghassali
Borough of Montvale
12 Mercedes Drive
Montvale, NJ 07645

Re: FY 2024 - Municipal Alliance Grant

Dear Mayor:

I am pleased to inform you that our Bergen County Alliance Steering Subcommittee (CASS) and the Bergen County Local Advisory Committee on Alcoholism and Drug Abuse (LACADA) voted to allocate the below funding for fiscal year 2024 which begins July 1, 2023.

In addition to the DEDR Award, Montvale Municipal Alliance has been awarded an additional Supplemental Award. This is a one-time funding incentive based on availability of funds.

Please inform your Treasurer/CFO that pending approval of your grant application once submitted and reviewed, your Municipal Alliance funding and requirement totals for 2023/2024 are as indicated:

DEDR award:	\$ 2956.76
Supplemental Funding	<u>\$ 879.57</u>
	\$ 3836.33
Cash Match requirement (25%):	\$ 959.08
In-Kind requirement (75%):	\$ 2877.25
Total Grant	\$ 7672.66

This letter of intent is contingent upon the availability of funds and is subject to the rules of the New Jersey Department of Treasury.

The submission and approval of the revised Municipal Alliance Plan will be required to access these funds. The Form 1A Strategic Plan Signature Page and Form 1B (Sample Resolution) is attached to this email to be placed on the agenda for the next Mayor and Council meeting. Please have the original signed forms back to our office no later than Friday, December 16th.

Do not hesitate to reach out to me should you need additional information or have any questions. On behalf of the Bergen County Alliance staff of the Bergen County Department of Health Services, Office of Alcohol and Drug Dependency, I would like to thank you for your efforts to prevent substance abuse in your community and look forward to working with you for another successful year!

Sincerely,

Leidy Surriel
County Alliance Coordinator

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 164-2022**

RE: Authorize Purchase/Police Outdoor License Plate Reader Cameras/PackeTalk

WHEREAS, The Montvale Police Department is desirous in ordering Outdoor HD Plate Reader Cameras

WHEREAS, The Montvale Police Department will exceed the bid threshold with this purchase based on prior purchases from the same vendor; and

WHEREAS, The vendor PackeTalk, 163 Stuyvesant Avenue, Lyndhurst, NJ 07071 is exempt from the public bidding as their services are necessary for the Police cameras and cannot be provided by any other vendor; and

NOW THEREFORE BE IT RESOLVED, by the Mayor & Council of the Borough of Montvale the purchase of the following quote #MPD22115 which is attached to the original of this resolution is hereby approved in the total amount is \$10,450.00.

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

Adopted: November 10, 2022

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

Amount \$6,000.00
Account #T-03-56-286-030
Amount \$4,450.00
Account 2-01-25-745-058



Quote

163 Stuyvesant Avenue
 Lyndhurst NJ 07071
 T: 201.355.3323
 F: 201.603.6405
 W: packetalk.net

Date	9.20.22
Quote #	MPD22115
For:	Bergen County Catalog Bid 22-18

Client
 Bergen County
 Montvale Police Department
 12 Mercedes Drive
 Montvale, NJ 07440
 201-391-4600
 dmcdowell@montvaleboro.org

Montvale Police Department ALPR add-on	Quantity	Unit Cost	Total
Packetalk Outdoor HD camera Model # PT-4000-HD-1LPR	1	\$8,200	\$ 8,200.00
Craddlepoint 1700 modems	1	\$1,400	\$ 1,400.00
Installation and setup	1	\$850	\$ 850.00
			\$ -
			\$ -

Make all checks payable to Packetalk. If you have any questions concerning this invoice, contact us at (201) 355.3323. Thank you for your business!

List Price	\$ 10,450.00
Client loyalty discount	
Total	\$ 10,450.00

Approved By
 Signature: _____
 Title: _____
 Print Name: _____
 Date: _____

T-03-56-286-030
 \$6,000-

2-01-25-745-058
 \$4,450

\$10,450

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 165-2022**

RE: Authorize Montvale Borough Hall HVAC/Final Change Order #4/Closeout Contract Amount/Air Systems Maintenance, Inc.

WHEREAS, the Borough of Montvale awarded a contract on March 12, 2019 to Air Systems Maintenance, Inc. in connection with the Montvale HVAC Upgrades and Maintenance Contracts Project; and

WHEREAS, base bid was awarded in the amount of \$386,681.00 to the following:
Air Systems Maintenance, Inc. 718 Jefferson Avenue, Kenilworth, New Jersey 07033; and

WHEREAS, this contract was awarded via Resolution #76-2019; and

WHEREAS, the Borough Engineer in a detailed letter October 17, 2022 recommended Change Order #4 in the amount of \$(170,112.09) as a decrease and final closed out amount as indicated in the letter attached hereto; and

WHEREAS, Change Order #4 – is a credit in the amount of \$(170,112.09) to close out this contract; and

WHEREAS, the Borough's Chief Financial Officer had certified that funds were available and appropriated for this purpose.

Total Contract Base Bid Amount	\$	386,681.00
Change Order #1 Reso. #108-2019	\$	19,760.00
Change Order #2 Reso.#135-2019	\$	8,700.00
Change Order #3 Reso #154-2019	\$	4,977.00
Change Order #4 Reso #165-2022	\$	(170,112.09)
New Project Total	\$	250,005.01

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

Adopted: November 10, 2022

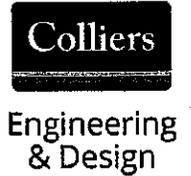
ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

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



October 17, 2022

Maureen Iarossi, RMC
Administrator/Municipal Clerk
Borough of Montvale
12 De Piero Drive, 2nd Flr
Montvale, NJ 07675

Re: Change Order No. 4
Montvale Borough Hall and Senior Center HVAC Upgrades
12 De Piero Drive
Montvale, Bergen County, NJ
Colliers Engineering & Design Project No. MVB564

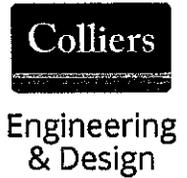
Dear Ms. Iarossi,

As you are aware, Air Systems Maintenance, Inc. completed the HVAC upgrades in Borough Hall and the Senior Center under their original Contract, which also included Quarterly Maintenance, On-Call Emergency Services and Annual System Monitoring of these systems. Subsequent to the end of the original Contract, the Borough entered into a new Contract with Air Systems to continue the Quarterly and Annual Maintenance and On-Call Emergency contracts for both Borough Hall and the Senior Center.

In an effort to reconcile the original Contract, our office recommends the approval of Change Order No. 4 to the Contract as follows:

Contract Breakdown	Amount
Original Contract Amount (Base Bid only)	\$ 386,681.00
Change Order No. 1 (Approved Resolution 108-2019)	\$ 19,760.00
Change Order No. 2 (Approved Resolution 135-2019)	\$ 8,700.00
Change Order No. 3 (Approved Resolution 154-2019)	\$ 4,977.00
Proposed Change Order No. 4	\$(170,112.09)
Adjusted Contract Amount	\$ 250,005.91

Based on our review of the original HVAC Contract for Borough Hall and the Senior Center, our office recommends the Mayor and Council approve Change Order No. 4 in the amount of (\$170,112.09) to reconcile the final Contract amount.



Our recommendation is subject to approval by the Borough Attorney, the Mayor and Council, Borough Treasurer and Chief Financial Officer.

Should you have any questions, please contact our office.

Sincerely,

Colliers Engineering & Design, Inc.
(DBA Maser Consulting)

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

Andrew R. Hipolit, PE, PP, CME, CFE, CPWM
Borough Engineer - Discipline Leader

CLD/lb

cc: Kenneth Sesholtz, CFO (CFO@montvaleboro.org)
Christine Kalafut, Treasurer (ckalafut@montvaleboro.org)
Christine Baker, Accounts Payable (cbaker@montvaleboro.org)

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 166-2022**

RE: Authorize Purchase NJ State Contract/Borough Administration Equipment/Dell Technologies

Whereas, the State of New Jersey adopted legislation which requires all municipalities who purchase under New Jersey State Contract to award said purchase by resolution, and

Whereas, the Borough of Montvale hereby approves the following computer purchase; and

Whereas, the Borough of Montvale will exceed the bid threshold with this purchase from this vendor based on prior purchases from the Dell Technologies; and

Now Therefore Be It Resolved, the details of the purchase from Dell Technologies Quote No. 3000134698620.1/State Contract #19-TELE-00656 amount \$1,323.77 is attached to the original of this resolution.

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

Adopted: November 10, 2022

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

Amount \$1,323.77
Account # 2-01-20-701-060

ADMIN



A quote for your consideration

Based on your business needs, we put the following quote together to help with your purchase decision. Below is a detailed summary of the quote we've created to help you with your purchase decision.

To proceed with this quote, you may respond to this email, order online through your **Premier page**, or, if you do not have Premier, use this **Quote to Order**.

Quote No.	3000134698620.1	Sales Rep	Alec Stunkel
Total	\$1,323.77	Phone	(800) 456-3355, 6178809
Customer #	31930154	Email	Alec_Stunkel@Dell.com
Quoted On	Oct. 26, 2022	Billing To	PAYABLE ACCOUNTS
Expires by	Nov. 25, 2022		BOROUGH OF MONTVALE
Contract Name	Dell NASPO Computer Equipment PA - New Jersey		12 MERCEDES DR
Contract Code	C000000005003		MONTVALE, NJ 07645-1847
Customer Agreement #	M0483/19TELE00656		

Message from your Sales Rep

Please contact your Dell sales representative if you have any questions or when you are ready to place an order. Thank you for shopping with Dell!

Regards,
Alec Stunkel

Shipping Group

Shipping To	Shipping Method
CHRISTINE KALAFUT BOROUGH OF MONTVALE 12 MERCEDES DR 2ND FL MONTVALE, NJ 07645-1847 (201) 391-5700	Standard Delivery

Product

OptiPlex 5000 Small Form Factor

DELL Desktop
OptiPlex 5000 Small Form
Factor

\$1,323.77

St Contract 19-TELE-00656
2-01-20-701-060
For Admin Asst.

Subtotal:	\$1,323.77
Shipping:	\$0.00
Environmental Fee:	\$0.00
Non-Taxable Amount:	\$1,323.77
Taxable Amount:	\$0.00
Estimated Tax:	\$0.00

Total:	\$1,323.77
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**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 167-2022**

RE: Authorize Hiring / Full Time / Accounts Payable/Receivable Clerk / Tybe Manzelli

WHEREAS, Tybe Manzelli meets the qualifications for the position of Accounts Payable/Receivable Clerk and agrees to the terms and conditions of employment, and has previously completed a satisfactory background investigation; and

NOW THEREFORE, BE IT RESOLEVED, 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 a full-time Accounts Payable/Receivable Clerk, effective November 1, 2022.

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

Adopted: November 10, 2022

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 168-2022**

RE: Authorize Hiring / Part-Time / Certified Financial Officer (CFO) / Matthew Cavallo

WHEREAS, Matthew Cavallo meets the qualifications for the position of CFO and agrees to the terms and conditions of employment, and has previously completed a satisfactory background investigation; and

NOW THEREFORE, BE IT RESOLEVED, 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 a part-time CFO, effective December 1, 2022.

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

Adopted: November 10, 2022

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 169-2022**

RE: A Resolution Adopting an Amended Spending Plan for the Borough of Montvale

Whereas, on February 12, 2018, an Order was entered in a matter pending in the Superior Court of New Jersey, Bergen County Vicinage, entitled, "In the Matter of the Application of the Borough of Montvale, County of Bergen, Docket No. BER-L-6141-15, which Order approved a Settlement Agreement between the Borough and Fair Share Housing Center; and

Whereas, that Order provided a number of requirements for the Borough to satisfy prior to proceeding to a Compliance Hearing, one of which was the preparation and approval of a Spending Plan; and

Whereas, by Resolution No. 118-2018, the Borough did approve a Spending Plan in compliance with the Court's Order; and

Whereas, said Spending Plan was subsequently approved by the Superior Court; and

Whereas, as a result of changes to the Borough's compliance mechanisms and revised spending priorities, it is necessary to amend the Borough's Spending Plan; and

Whereas, by resolution dated November 1, 2022, the Planning Board did endorse a document entitled "Borough of Montvale 2018 Affordable Housing Trust Fund Spending Plan Amendment #1," prepared by Borough Planner Darlene Green, PP, AICP (the "Amended Spending Plan"); and

Whereas, a copy of the Planning Board's endorsing resolution is attached hereto; and

Whereas, said Planning Board resolution sets forth the various amendments to the Borough's original Spending Plan that are contained in the Amended Spending Plan; and

Whereas, the Planning Board did endorse the adoption of the Amended Spending Plan in connection with the Borough's satisfaction of its affordable housing obligations; and

Whereas, the Borough of Montvale is desirous of adopting the Amended Spending Plan and authorizing the Borough's professionals to file the Spending Plan with the Superior Court as necessary and to seek approval of the Amended Spending Plan to the extent required by law.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Montvale as follows:

1. The foregoing recitals are incorporated as if set forth herein at length.
2. The Amended Spending Plan referenced hereinabove prepared by Darlene Green, PP, AICP, entitled "Borough of Montvale 2018 Affordable Housing Trust Fund Spending Plan Amendment #1," is hereby approved and adopted by the Borough Council.
3. The Borough Attorney and/or Special Counsel for Affordable Housing are hereby directed, authorized and empowered to file the Amended Spending Plan with the Superior Court and to seek approval of same to the extent required by law.
4. All appropriate Borough officials and employees are directed, authorized and empowered to take all steps necessary to effectuate the provisions and purposes of this Resolution.

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

Adopted: November 10, 2022

ATTEST:

Maureen Iarossi-Alwan
Municipal Clerk

APPROVED:

Michael Ghassali
Mayor

Introduced By: Mr. Teagno

Seconded By: Mr. Culhane

BOROUGH OF MONTVALE

PLANNING BOARD

RESOLUTION

WHEREAS, on February 12, 2018 an Order was entered in the Superior Court of New Jersey, Law Division, Bergen County entitled, "In The Matter of The Application of The Borough of Montvale, County of Bergen", Docket No. BER-L-6141-15, which Order approved a Settlement Agreement between the Borough and Fair Share Housing Center ("FSHC"); and

WHEREAS, the Order provides, at paragraph 3, a number of the requirements the Borough must undertake prior to the Compliance Hearing scheduled for June 7, 2018; and

WHEREAS, among those requirements is included the approval of a Spending Plan; and

WHEREAS, by resolution dated May 1, 2018, the Planning Board approved the Spending Plan; and

WHEREAS, there has been prepared a document entitled, "Borough of Montvale 2018 Affordable Housing Trust Fund Spending Plan Amendment #1";

and

WHEREAS, the Planning Board has reviewed Amendment #1 at a public meeting held on November 1, 2022, which meeting was duly advertised in accordance with the statutory requirements; and

WHEREAS, members of the public were given an opportunity to be heard at said public meeting.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Montvale that it does hereby find as follows:

1. The Spending Plan delineates the revenues that the Borough has collected and expended, and also projects revenue anticipated from development fees and other funding sources through 2025, the expiration of the Third Round Substantive Certification.
2. The administrative mechanism for the collection and distribution of funds is defined by establishing a procedural sequence for the collection of development fee revenues and distribution of development fee revenues.
3. The Spending Plan provides that a minimum of \$125,000.00 will be dedicated to the rehabilitation component of five (5) units as set forth in the Housing Element and Fair Share Plan (hereinafter "HE/FSP").
4. An amount up to \$50,000.00 will be dedicated to assist a group home provider desiring to locate within the Borough. The Spending Plan indicates that the Borough would like to avail itself of this option, even though not included in the HE/FSP.

5. A total of up to \$450,000.00, conditioned upon adequate development fees being collected, will be used to purchase existing homes within the Borough and Deed restrict the units as affordable units for a minimum of thirty (30) years. An existing condominium development within the Borough presents an opportunity to purchase two (2) existing market rate units and convert same to affordable units. This is an option the Borough is desirous of availing itself of, although not specifically included in the HE/FSP.

6. Consistent with the requirement that municipalities spend a minimum of thirty (30%) percent of development fee revenue to render existing affordable units more affordable, with one-third ($\frac{1}{3}$) of such number being dedicated to very low income households, the Borough is required to dedicate the amount depicted on the Chart on page 6 of the Spending Plan (\$663,086.48) to render units more affordable, with one-third ($\frac{1}{3}$) of such sum (\$221,028.83) rendering units more affordable to very low income households. In addition, the Borough will set aside a minimum of \$120,000.00 for rental assistance in connection with fifty-six (56) existing affordable rental units in the Borough, ten (10) of which are in group home facilities. The Borough anticipates providing approximately \$2,000.00 in assistance per rental unit.

7. The Borough will set aside a minimum of \$84,000.00 for HOA assistance.

8. The Borough will allocate up to \$75,000.00 to fund one or more solar panel installations on 100% affordable developments.

9. The Borough will reserve a maximum of \$400,000.00 to fund the conversion of moderate units to low-income units.

10. It is estimated that approximately \$170,050.40 will be available to be used from the Affordable Housing Trust Fund to be used for administrative purposes.

11. The Spending Plan limits administrative expenses to the twenty (20%) percent cap as set forth in *N.J.A.C. 5:97-8.9*.

12. The Spending Plan provides at pages 7 and 8 a schedule for the expenditure of Affordable Housing Trust Fund revenues and details the allocation for the various projects and programs.

13. Finally, in the event funding is not available to implement the objectives of the Spending Plan due to an unexpected revenue shortfall, the Borough will approve a resolution of intent to bond for such purposes.

BE IT FURTHER RESOLVED by the Planning Board of the Borough of Montvale that it does hereby endorse the Spending Plan in connection with the Borough's affordable housing obligation; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded by the Land Use Administrator to the Borough Clerk.



JOHN DE PINTO, Chairman

Dated: November 1, 2022

Certified to be a true copy of a Resolution adopted by the Planning Board of the Borough of Montvale at its regular meeting on Tuesday, November 1, 2022.

R. Lorraine Hutter
**R. LORRAINE HUTTER, Secretary/Land
Use Administrator**

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 170-2022**

RE: Transfer Of Appropriations

WHEREAS, certain transfer of funds for various 2022 budget appropriations are necessary to cover anticipated expenditures; and

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers from appropriations with an excess over and above the amount deemed to be necessary to fulfill the purpose for such appropriations, to those appropriations deemed to be insufficient;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the transfers be made between the 2022 budget appropriations as follows:

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
General Appropriations Operations - Within "CAPS"		
Salary Adjustment Account Construction Official: Salaries and Wages	\$3,000.00	\$3,000.00
Salary Adjustment Account Recreation Services and Programs: Salaries and Wages	7,000.00	7,000.00
Snow Removal/Storm Recovery: Other Expenses Electricity	13,000.00	13,000.00
Snow Removal/Storm Recovery: Other Expenses Street Lighting	12,000.00	12,000.00
Fire: Fire Hydrant Service Gasoline	10,000.00	10,000.00
	\$45,000.00	\$45,000.00
	=====	=====

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

Adopted: November 10, 2022

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

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	\$4,714,894.31	Bill List Wire 11/10/2022
	<u>334,952.12</u>	Wires/Manual Checks
Current TOTAL	5,049,846.43	
Capital	37,431.50	Bill List Wire 11/10/2022
Escrow	7,622.50	Bill List Wire 11/10/2022
Housing Trust	2,875.95	Bill List Wire 11/10/2022
Open Space Trust	400.00	Bill List Wire 11/10/2022
Dog Trust	707.60	Bill List Wire 11/10/2022

*This resolution was adopted by the Mayor and Council of Montvale
at a meeting held on 11/10/22*

Introduced by: _____

Approved: 11/10/22

Seconded by: _____

Michael Ghassali, Mayor

ATTEST:

Maureen Iarossi-Alwan, Municipal Clerk

MANUAL/VOID CHECKS - WIRES
November 10, 2022

<u>Check #</u>	<u>PO #</u>	<u>Date</u>	<u>Transaction/Vendor</u>	<u>Amount</u>
WIRE		11/10/22	Payroll Account-Current	216,012.71
WIRE		11/10/22	Salary Deduction Account	118,859.63
WIRE		11/10/22	FSA Account	50.00
WIRE		10/26/22	Salary Deduction Account Adj.	29.78
Total				<u><u>334,952.12</u></u>

P.O. Type: All
 Range: First to Last
 Format: Condensed
 Vendors: All
 Rcvd Batch Id Range: First to Last

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

Include Non-Budgeted: Y

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00027	BT SPECIALTIES	22-01319	10/18/22	8X10 CAST FRAME D. BLOODWORTH	Open	175.00	0.00		
00046	COUNTY OF BERGEN, TREASURER	22-00188	01/27/22	2022 COUNTY TAXES	Open	1,450,464.23	0.00		B
00050	DEPIERO'S FARM	22-01323	10/19/22	TEAM BUILDING	Open	160.00	0.00		
00097	CABLEVISION	22-01318	10/18/22	07873-199375-01-1 CABLEVISION	Open	194.98	0.00		
00098	SERVPRO OF PARAMUS	22-01240	10/03/22	PD CLEANING OF CELLS	Open	250.00	0.00		
001001	ALL TRAFFIC SOLUTIONS	22-00917	07/25/22	YEARLY CONTRACT	Open	2,000.00	0.00		
00102	MGL PRINTING SOLUTIONS	22-01266	10/07/22	REVENUE RECEIPTS	Open	574.00	0.00		
		22-01300	10/14/22	2023 DOG AND CAT TAGS	Open	701.00	0.00		
						1,275.00			
00104	MONTVALE BOARD OF EDUCATION	22-00005	01/03/22	2022 LOCAL SCHOOL TAXES	Open	1,461,254.00	0.00		B
00116	VERIZON	22-01392	11/01/22	651-285-414-0001-73 VERIZON	Open	288.17	0.00		
00118	NJ STATE LEAGUE OF	22-01250	10/04/22	EMPLOYMENT AD - TECH. ASSIST.	Open	160.00	0.00		
00129	CLEAN AIR COMPANY	22-01176	09/21/22	SERVICE FH VEHICLE EXHAUST SYS	Open	887.90	0.00		
00137	PASCACK VALLEY REGIONAL HS DST	22-00004	01/03/22	2022 REGIONAL SCHOOL TAXES	Open	1,301,148.00	0.00		B
00139	SCORDO, FRANCES	22-01395	11/01/22	PETTY CASH FOR OCTOBER	Open	375.00	0.00		
00146	PSE&G CO.	22-01332	10/21/22	PSE&G - SEPTEMBER 2022	Open	604.64	0.00		
00215	TOWNSHIP OF RIVER VALE	22-00006	01/03/22	2022 PASCACK VALLEY DPW	Open	155,728.63	0.00		B

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00258	ROCKLAND ELECTRIC COMPANY	22-01408	11/03/22	ROCKLAND ELECTRIC OCTOBER	Open	8,468.16	0.00		
00320	NEW JERSEY ELEVATOR INSPECTION	22-00196	01/27/22	2022 ELEVATOR INSPECTION SVCS.	Open	13,655.00	0.00		B
00329	NJ STATE DEPT. OF HEALTH	22-01263	10/06/22	STATE DOG LICENSE FEE	Open	5.40	0.00		
		22-01396	11/01/22	STATE DOG LICENSE FEE	Open	1.20	0.00		
						6.60			
00332	ZAGAJA, MACIEJ	22-01329	10/21/22	REIMB CLOTHING ALLOWANCE	Open	84.33	0.00		
00375	BOROUGH OF PARK RIDGE	22-01274	10/11/22	TRI-BORO RADIO EXPENSES	Open	9,030.96	0.00		
00497	LEVITZKI, ANN	22-00181	01/27/22	2022 COURT - CELL PHONE	Open	69.80	0.00		B
00563	SUBURBAN CAPS INC.	22-01291	10/13/22	ELOCK ACTUATOR -M10 FIRE TRUCK	Open	210.00	0.00		
00578	TREASURER, STATE OF NJ DCA	22-01269	10/11/22	3rd Quarter State fee - 2022	Open	12,074.00	0.00		
00602	ANCHOR FENCE CONTRACTORS, INC.	22-01222	09/29/22	LATRENTA TENNIS GATE REPAIR	Open	925.00	0.00		
00613	CAMPBELL EXTERIORS LLC.	22-00298	02/24/22	ROOF LEAK REPAIRS-LIBR+SR CTR	Open	14,474.99	0.00		
00730	BOGGIA, BOGGIA, BETESH & VOYTUS	22-01227	09/30/22	AFFORDABLE HOUSING-AUGUST 2022	Open	976.50	0.00		
00731	COLLIER'S ENGINEERING & DESIGN	22-00117	01/18/22	2022 ENGINEER RETAINER	Open	450.00	0.00		B
		22-00118	01/18/22	2022 GENERAL ENGINEERING	Open	10,768.50	0.00		B
		22-00123	01/18/22	BOROUGH PLANNER	Open	221.25	0.00		B
		22-00140	01/19/22	AFFORDABLE HOUSING 2021 SVCS	Open	1,397.25	0.00		B
		22-00871	07/14/22	LATRENTA PARKING LOT IMPROV.	Open	303.50	0.00		B
		22-01225	09/30/22	MUNICIPAL PLANNING REVIEW	Open	132.75	0.00		
		22-01290	10/13/22	ENVIRONMENTAL SVCS/127 SUMMIT	Open	253.00	0.00		B
		22-01296	10/14/22	MUNICIPAL ENGINEERING REVIEW	Open	7,268.50	0.00		
		22-01297	10/14/22	MUNICIPAL PLANNING REVIEW	Open	221.25	0.00		
						21,016.00			
00762	HARBORTOUCH	22-01308	10/17/22	COURT CREDIT CARD - SEPTEMBER	Open	77.97	0.00		
00769	URBAN AUTO SPA	22-01275	10/11/22	CAR WASH AND OIL CHANGE SVCS.	Open	56.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00801	WESTPHAL WASTE SERVICES, INC.	22-01295	10/14/22	TRUCKING 30 YARD WASTE	Open	646.00	0.00		
00979	SANFILIPPO, JOSEPH	22-01313	10/18/22	REIMB MEAL TRAINING SANFILIPPO	Open	101.91	0.00		
		22-01328	10/21/22	REIMB CLOTHING ALLOWANCE	Open	<u>173.80</u>	0.00		
						275.71			
00991	LC MARKETING COMMUNICATIONS	22-01238	10/03/22	PD JUNIOR POLICE ATTIRE	Open	1,733.75	0.00		
01028	HAWKEN, CHRISTOPHER	22-01310	10/18/22	REIMB CLOTHING ALLOWANCE	Open	248.30	0.00		
01037	CORPORATE WELLNESS	22-00972	08/10/22	MEDICAL EXAMS 4 NEW HIRES	Open	5,550.00	0.00		
01042	MCANIMON, SCOTLAND, BAUMANN, LLC	22-01281	10/13/22	PROFESSIONAL SERVICES RENDERED	Open	600.00	0.00		
01055	VALLEY HEALTH MEDICAL GROUP	22-01326	10/20/22	PD CROSSING GUARD YEARLY EXAMS	Open	810.00	0.00		
01132	COOPERATIVE COMMUNICATIONS, INC	22-00180	01/27/22	2022 BORO PHONE 201-391-5700	Open	2,063.19	0.00		B
01144	METICULOUS CLEANING SERVICES	22-01089	09/06/22	CLEANING OF FIREHOUSE - SEPT.	Open	285.00	0.00		
		22-01241	10/03/22	FIREHOUSE CLEANING - OCTOBER	Open	<u>285.00</u>	0.00		
						570.00			
01227	PIAZZA & ASSOCIATES, INC.	22-00116	01/18/22	2022 AFFORDABLE HOUSING SVCS.	Open	300.00	0.00		B
01241	ALMAGASA CORP.	22-01346	10/25/22	ADMINISTRATIVE DINNER	Open	119.84	0.00		
01278	MCNERNEY & ASSOCIATES, INC	22-01268	10/07/22	PROFESSIONAL SERVICES RENDERED	Open	1,000.00	0.00		
01330	GHAASSALI, MICHAEL	22-00127	01/18/22	MAILCHIMP 2022	Open	59.00	0.00		B
01638	FRESH H2O FILTRATION SYSTEMS	22-00039	01/04/22	2022 WATER COOLER RENTAL	Open	179.97	0.00		B
01643	LORANGER, LISA	22-01279	10/12/22	REPLACEMENT TENNIS NET CABLE	Open	37.31	0.00		
		22-01373	10/28/22	MAILCHIMP SUBSCRIPTION	Open	<u>87.00</u>	0.00		
						124.31			
01702	MEDIA CONSULTANTS LLC	22-01342	10/24/22	TV STUDIO LIGHTING/EQUIPMENT	Open	5,874.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01724	MOTOROLA SOLUTIONS INC.	21-01400	11/02/21	FIRE DEPARTMENT RADIOS	Open	16,174.40	0.00		
01748	WERBA, JOSEPH	22-01311	10/18/22	REIMB CLOTHING ALLOWANCE	Open	181.93	0.00		
01767	VERIZON	22-01333	10/21/22	156-951-896-0001-85 VERIZON	Open	99.00	0.00		
		22-01363	10/28/22	555-569-014-0001-55 VERIZON	Open	<u>170.64</u>	0.00		
						269.64			
01828	CGP&H, LLC	22-01159	09/20/22	PROFESSIONAL HOUSING REHAB SVC	Open	202.20	0.00		B
01833	MCGEE, HEATHER (PETTY CASH)	22-01366	10/28/22	REIMB PETTY CASH	Open	260.99	0.00		
01849	NEW JERSEY FIRE EQUIPMENT CO.	22-00891	07/19/22	SCBA FLOW TEST/CHNGE BATTERIES	Open	1,563.17	0.00		
01852	REDICARE LLC	22-01253	10/05/22	FIRST AID - 60 DAY SERVICE	Open	85.00	0.00		
01924	AIR SYSTEMS MAINTENANCE, INC	21-00852	06/30/21	HVAC PREVENTIVE MAINTENANCE SV	Open	5,902.50	0.00		B
		22-01265	10/06/22	AIR FLOW IN BUILDING DEPT	Open	<u>513.00</u>	0.00		
						6,415.50			
01958	SPORT-TECH ACRYLICS CORP.	22-01111	09/08/22	TENNIS COURT CRACK REPAIR	Open	36,875.00	0.00		
01962	AT&T MOBILITY II LLC	22-01327	10/21/22	PD PATROL PHONE PLAN	Open	134.11	0.00		
01995	HEINZE LAW	22-01377	10/28/22	TAX COURT SETTLEMENT	Open	160,192.50	0.00		
01997	COHN LIFLAND PEARLMAN HERRMANN	22-01397	11/02/22	PROFESSIONAL SERVICES RENDERED	Open	2,000.00	0.00		
02166	SIRCHIE FINGERPRINT LABS	22-01239	10/03/22	PD BLOOD KITS	Open	90.70	0.00		
02559	INS DESIGN ADMINSTRATORS	22-00171	01/25/22	2022 VISION BENEFITS	Open	280.00	0.00		B
02757	TYGO ANIMAL CONTROL SERVICES	22-00115	01/18/22	2022 ANIMAL CONTROL SERVICES	Open	980.00	0.00		B
		22-00462	04/07/22	2022 GEESE CONTROL SERVICES	Open	<u>400.00</u>	0.00		B
						1,380.00			
03060	TRI-STATE TECHNICAL SERVICES	22-01304	10/14/22	INSTALL/SETUP COMPUTER EQUIP.	Open	320.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03084	WESLEY SICOMAC DAIRY	22-00184	01/27/22	2022 MILK DELIVERY	Open	31.95	0.00		B
03148	COUNTY OPEN SPACE TRUST FUND	22-00186	01/27/22	2022 COUNTY OPEN SPACE TAXES	Open	59,104.56	0.00		B
03589	DELL MARKETING LP	22-01256	10/05/22	NEW COMPUTER - RECREATION	Open	1,746.15	0.00		
03666	VERIZON -3070534	22-01348	10/25/22	450-001-742-0001-13 VERIZON	Open	63.16	0.00		
03727	STAPLES INC	22-01148	09/16/22	OFFICE SUPPLIES	Open	272.31	0.00		
		22-01276	10/12/22	OFFICE SUPPLIES	Open	43.66	0.00		
						<u>315.97</u>			
<hr/> Total Purchase Orders: 83 Total P.O. Line Items: 0 Total List Amount: 4,763,931.86 Total Void Amount: 0.00 <hr/>									

Totals by Year-Fund		Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
Fund Description	Fund						
CURRENT FUND 2022	1-01	22,076.90	0.00	22,076.90	0.00	0.00	22,076.90
CURRENT FUND 2022	2-01	4,692,817.41	0.00	4,692,817.41	0.00	0.00	4,692,817.41
CAPITAL FUND	C-04	37,431.50	0.00	37,431.50	0.00	0.00	37,431.50
BOA ESCROW ACCOUN	E-08	7,622.50	0.00	7,622.50	0.00	0.00	7,622.50
OTHER TRUST ACCOU	T-03	2,875.95	0.00	2,875.95	0.00	0.00	2,875.95
DOG TRUST ACCOUNT	T-12	707.60	0.00	707.60	0.00	0.00	707.60
OPEN SPACE TRUST	T-14	400.00	0.00	400.00	0.00	0.00	400.00
Year Total:		3,983.55	0.00	3,983.55	0.00	0.00	3,983.55
Total of All Funds:		4,763,931.86	0.00	4,763,931.86	0.00	0.00	4,763,931.86

Best Practices Inventory Online Platform

2022 Survey

Montvale Borough

Scoring

Current Score: 31.00

Score

0 - 15

16 - 19

20 - 23

24 +

Aid Withheld

100% of final aid payment withheld

50% of final aid payment withheld

25% of final aid payment withheld

No aid withholding

Best Practices Inventory Online Platform

2022 Survey

Montvale Borough

Printable Current Answers

001	Unscored Survey	Health Benefits	
For medical benefits, select the formula used for active employee cost sharing . For purposes of this question, the phrase "active employees" does not include those elected officials receiving medical coverage.			[0.00] Percentage of Premium
002	Unscored Survey	Health Benefits	
For prescription drug benefits, select the formula used for active employee cost sharing. For purposes of this question, the phrase "active employees" does not include those elected officials receiving Rx coverage.			[0.00] Percentage of Premium
003	Unscored Survey	Health Benefits	
If your municipality participates in the State Health Benefits Program, please include the following on the Excel form provided on DLGS's Best Practices webpage: 1) the total amount of premiums paid for CY2022 active employee, retiree and eligible elected official SHBP coverage; and 2) the amount of cost sharing collected from your municipality's employees, retirees and eligible elected officials for SHBP coverage in CY2022. Only combine medical and Rx coverage if your municipality uses SHBP for Rx coverage. Upload the Excel form using the "Attach File" button toward the bottom of your screen. If you have uploaded the Excel form, type "File Uploaded" in the Comment Box. If you have not uploaded the Excel Form, type NA in the Comment Box.			Comment: N/A
004	Core Competencies	Personnel	
The Fair Labor Standards Act (FLSA) is a federal law requiring that overtime pay must be paid for all hours over 40 hours in a work week except for those employees classified as exempt and thus not entitled to overtime. Management employees such as elected officials, managers/administrators, municipal clerks, CFOs, public works superintendents, police chiefs and other department heads are typically classified as having exempt status and thus not entitled to overtime pay. Other municipal employees may also be classified as exempt under the FLSA (please consult labor counsel for detailed guidance). Exempt status also precludes overtime pay for time worked during emergencies, attendance at night meetings and participation in training sessions. Compensated leave time in lieu of cash payments is considered a form of overtime pay unless such leave is utilized in the same pay period. Does your municipality not pay overtime to employees classified as exempt under the FLSA?			[0.00] No
005	Core Competencies	Personnel	
Has your municipality reviewed and updated its employee personnel manual/handbook within the past three years or upon the conclusion of each of your municipality's collective negotiated agreements (CNAs)? If yes, please provide in the Comments section the date which the personnel manual was officially updated using the MM/DD/YYYY format. If not yes, please type "Did Not Answer Yes" into the comment box.			[1.00] Yes Comment: 01/02/2022 (Resolution #19-2022)
006	Core Competencies	Budget	
Does your municipality complete an initial draft of its annual budget no later than the first week of February (or first week of August if an SFY municipality), and obtain input in crafting the draft budget from elected officials and department heads as appropriate to the form of government?			[0.00] No
007	Core Competencies	Budget	
Unless the Director sets forth a later date pursuant to N.J.S.A. 40A:4-5.1, N.J.S.A. 40A:4-5 requires that calendar year municipalities approve their introduced budgets no later than February 10 (or August 10 for state fiscal year municipalities) and N.J.S.A. 40A:4-10 requires that calendar year municipalities adopt their budgets no later than March 20 (or September 20 for state fiscal year municipalities). Did your municipality introduce and adopt its current year budget no later than the dates provided by law or as extended by the Director in Local Finance Notice 2021-24? This question may only be answered N/A if your municipality's budget is subject to adoption by the Local Finance Board under State Supervision or if the Division instructed the municipality to delay budget adoption.			[1.00] Yes
008	Core Competencies	Budget	
N.J.S.A. 40A:5-12 requires the chief financial officer of each municipality to file the Annual Financial Statement (AFS) with the Division by no later than February 10 (August 10 for SFY municipalities). In 2022 the Division extended the AFS submission deadline to March 4 for calendar year municipalities, while the AFS submission deadline for SFY municipalities was extended to September 9. The statute specifies a \$5 per day penalty payable by the CMFO for failing to file the AFS within 10 days of after the time fixed for filing. Did your municipality file its AFS by the required deadline?			[1.00] Prospective
009	Core Competencies	Budget	
Pursuant to N.J.S.A. 40A:2-40, the chief financial officer each municipality shall, before the end of the first month of the fiscal year, file its Annual Debt Statement with the Division of Local Government Services. Did your municipality file its electronic Annual Debt Statement for the preceding fiscal year with the Division no later than January 31 (July 31 for SFY municipalities)?			[1.00] Yes
010	Core Competencies	Budget	
Has your municipality electronically submitted its User-Friendly Budget section for the CY2021/SFY2022 adopted budget?			[1.00] Yes

011	Core Competencies	Budget	Revenue earned from Uniform Construction Code (UCC) fees must be dedicated to UCC enforcement. The amounts of UCC revenue generated and funds appropriated to UCC enforcement appear on the User-Friendly Budget as well as the UCC Annual Report submitted to the Division of Codes and Standards. Your municipality's construction code fee schedule must comply with the parameters set by N.J.A.C. 5:23-4.17, 5:23-4.18 and Local Finance Notice 2020-27. Does your municipality comply with the law prohibiting the imposition of UCC fee amounts greater than necessary to operate the UCC office, and is your municipality refraining from using UCC fees for purposes unrelated to UCC enforcement? Only answer N/A if your municipality does not have a construction code office.	[1.00] Yes
012	Core Competencies	Capital Projects	Has your municipality adopted a capital program as defined by N.J.A.C. 5:30-4.2, meaning a moving, multi-year plan and schedule for capital projects (including prospective financing sources) and, when pertinent, first year operating costs and savings? Only answer N/A if your municipality is not required to adopt a capital budget pursuant to N.J.A.C. 5:30-4.3.	[1.00] Yes
013	Core Competencies	Transparency	Are your municipality's codified and uncodified ordinances, including all current salary ordinances, available online?	[1.00] Yes
014	Core Competencies	Procurement	Do your municipality's professional services contracts include a "not to exceed" amount?	[1.00] Yes
015	Core Competencies	Procurement	On all public works projects subject to the Prevailing Wage Act, the contractor and all subcontractors must provide the contracting unit with certified payroll records for each employee performing work on the project. Certified payroll records shall be provided for each pay period within ten (10) days of the payment of wages. In turn, the municipality must collect, file, and store all certified payroll records on the project and make them available for inspection during normal business hours. Please review Local Finance Notice 2021-20 for further information. Is your municipality maintaining certified payrolls for all prevailing wage municipal projects pursuant to law and making same available for public inspection?	[1.00] Yes
016	Core Competencies	Cybersecurity	A cybersecurity incident response plan is a set of instructions to help detect, respond to, and recover from network security incidents. Plans such as those adopted by a governing body or from a municipality's JIF address areas such as cybercrime, data loss, and service outages. Does your municipality have a cybersecurity incident response plan?	[1.00] Yes
017	Core Competencies	Cybersecurity	Are all municipal employees receiving ongoing cybersecurity training in malware detection, password construction, identifying security incidents and social engineering attacks?	[0.00] No
018	Core Competencies	Financial Administration	Pursuant to N.J.S.A. 40A:5-14(d), a local unit's investment policies shall be based on a cash flow analysis prepared by the CFO, with those policies being commensurate with the nature and size of the funds held by the local unit. Has your municipality conducted a cash flow analysis of its deposited and invested funds, and, based on that analysis, does your municipality's cash management plan set policies for your municipality's investments that consider preservation of capital, liquidity, current and historical investment returns, diversification, maturity requirements, costs and fees associated with the investment and, when appropriate, policies of investment instrument administrators?	[0.00] No
019	Core Competencies	Budget	Is your municipality ensuring that insurance reimbursements are credited back to the budget appropriation line item in the budget in accordance with N.J.S.A 40A:5-32, instead of applied as miscellaneous revenue not anticipated? Compliance with this statutory obligation relieves pressure on current year appropriations. Only answer N/A if your municipality had no insurance reimbursements in 2020 or 2021.	[1.00] Yes
020	Core Competencies	Capital Projects	Has your municipality reviewed all completed capital project bond ordinances for remaining balances that can be cancelled by resolution, and revert to their respective balance sheet accounts?	[1.00] Yes
021	Core Competencies	Procurement	Has your municipality reviewed with legal counsel and other appropriate officials (e.g. engineer) the boilerplate language in its bid or RFP documents to ensure such language meets legal requirements under the Local Public Contracts Law and pay-to-play, along with other relevant statutes and caselaw?	[1.00] Yes
022	Core Competencies	Transparency	Does your municipality maintain an up-to-date municipal website containing at minimum the following: past three years adopted budgets; the current year proposed budget (including the full adopted budget for the current year when approved by the governing body); most recent annual financial statement and audits; notification(s) for solicitation of bids and RFPs; and meeting dates, minutes and agendas for the governing body, planning board, board of adjustment and all commissions?	[1.00] Yes
023	Core Competencies	Transparency	N.J.S.A. 34:13A-8.2 requires public employers, including municipalities, to file with the Public Employment Relations Commission (PERC) a copy of all contracts negotiated with public employee representatives. This includes, but is not limited to, collective bargaining agreements, memoranda of understanding, contract amendments, and "side letter" or "side bar" agreements. Copies of same may be emailed to contracts@perc.state.nj.us. Has your municipality filed all current contracts with PERC? Only answer N/A if your municipality does not have any employee labor unions.	[1.00] Yes

024	Core Competencies	Transparency	Pursuant to N.J.S.A. 34:13A-16.8(d)(2), PERC requires a summary of the cost impact associated with a municipality's completed contracts for all bargaining units. Police and fire contracts have one summary form, while non-police and fire contracts have another form. The summary forms and filing instructions are located at https://www.state.nj.us/perc/conciliation/contracts/ . Has your municipality filed the required PERC summary forms for all current completed labor agreements? Only answer N/A if your municipality does not have any employee labor unions.	[1.00] Yes
025	Core Competencies	Cybersecurity	Does your municipality perform off-network daily incremental backups with weekly full backups of all data?	[1.00] Yes
026	Core Competencies	Shared Services	N.J.A.C. 5:30-3.8(d)(20) requires each municipal user-friendly budget to include a listing of each shared service provided or received, what entity or entities are providing or receiving the service, the beginning and end date of the agreement as applicable, and the amount either received or paid for the service. Does your municipality list on its user-friendly budget each shared services agreement it is a party to, along with the other information required by the above-referenced regulation?	[1.00] Yes
027	Core Competencies	Fire Districts	If a Board of Fire Commissioners establishes annual compensation for its fire district commissioners, N.J.S.A. 40A:14-88 requires the municipal governing body to review and approve such compensation before the fire district can submit its annual budget to the voters, or, in the case of fire districts whose Board of Fire Commissioners elections coincides with the November General election, before the fire district's annual budget can be adopted. The fire district shall submit to the municipal governing body for approval the amount of compensation fixed by the Board regardless of whether the amount of compensation is being modified. Oughton v. Board of Fire Comrs., etc., 178 N.J. Super. 565, 570-571 (App. Div. 1981). If any members of the Board of Fire Commissioners in one or more of your municipality's fire districts are authorized by the Board to receive compensation, does your municipality 1) require its fire district(s) to submit such compensation for review on an annual basis; 2) ensure that each Board has adopted a resolution or resolutions fixing the amount of compensation requested for governing body approval; and 3) adopt a resolution approving, disapproving, or modifying the compensation amount fixed by the Board of Fire Commissioners?	[1.00] N/A Comment: Comment: The Borough does not have a fire district.
028	Core Competencies	Shared Services	N.J.S.A. 40A:65-4(b) requires a copy of each shared services agreement to be filed with the Division of Local Government Services. Has your municipality filed with the Division the most current copy of each shared services agreement under which the municipality provides one or more services to another local unit as defined by N.J.S.A. 40A:65-3 of the Uniform Shared Services and Consolidation Act? Only answer N/A if your municipality does not provide a shared service to another local unit.	[1.00] Yes
029	Core Competencies	Financial Administration	N.J.S.A. 40A:5-4 requires municipalities to complete their annual audit for the preceding fiscal year within 6 months after the close of their fiscal year. For calendar year 2021 audits, this deadline was extended to August 31, 2022 pursuant to the Director's June 16, 2022 Order (See Local Finance Notice 2022-12). Has your municipality's completed audit for the preceding fiscal year been electronically submitted to DLGS within the required timeframe? You may only answer this question "N/A" if the Director expressly granted an extension in response to a governing body resolution petitioning for same.	[1.00] Yes
030	Core Competencies	Financial Administration	Have all audit findings from the CY2020/SFY2021 audit been 1) identified in the corrective action plan and 2) addressed such that they are not repeated in the CY2021/SFY2022 audit? If the answer is no, please list the repeat findings, along with the date the corrective action plan was submitted to DLGS, under Comments. Only answer "N/A" if there were no audit findings for CY2020/SFY2021.	[1.00] Yes
031	Core Competencies	Utilities	P.L. 2021, c. 97 requires municipalities with their own water, sewer, or electric service to provide monthly notice to residential ratepayers concerning local utility service and bill payment assistance. Please review Local Finance Notice 2022-09 for more information on the law's requirements. Is your municipality complying with the requirements of P.L. 2021, c. 97? Only answer N/A if your municipality does not have its own water, sewer, or electric service.	[1.00] N/A
032	Core Competencies	Transparency	In accordance with Governor Murphy's Executive Order 267 dated October 8, 2021 and outlined in LFN 2022-08 dated March 2, 2022, municipalities and counties were required to provide DLGS with a copy of all American Rescue Plan (ARP) LFRF reports filed with U.S. Treasury, including Project and Expenditure Reports, Interim Reports, and Recovery Plan and Performance Reports?. Did your municipality file with the Division all reports filed with Treasury? Only answer N/A if your municipality refused ARP LFRF Funding	[1.00] Yes
033	Core Competencies	Ethics	The Local Government Ethics Law, designed to ensure transparency in government, requires local government officers to file Financial Disclosure Statements (FDSs) annually. Compliance by local elected officials is required by N.J.S.A. 40A:9-22.6. Did all governing body members timely file their annual Financial Disclosure Statements for 2022 such that they were not issued a Notice of Violation by the Local Finance Board? Only answer N/A if your municipality has an ordinance on the books establishing a municipal ethics board.	[1.00] Yes
034	Core Competencies	Ethics	If your municipality has a municipal ethics board, did the municipal ethics board enforce the Financial Disclosure Statement (FDS) statute by issuing violations to local government officers (LGOs) who were on the 2022 roster but did not file the FDS by April 30, 2022? Only answer N/A if your municipality does not have an ordinance on the books establishing a municipal ethics board.	[1.00] N/A Comment: The Borough does not have a municipal ethics board.

035	Best Practices	Financial Administration	
N.J.A.C. 5:30-8.3(a) establishes a schedule of minimum dollar amounts for tax collector surety bonding. However, subsection (b) of 5:30-8.3 encourages municipalities to adopt a more stringent schedule for tax collector surety bonding that is specified in the subsection. Has your municipality adopted, at minimum, the higher level surety bonding schedule for tax collectors set forth in N.J.A.C. 5:30-8.3(b)?			[0.50] Yes
036	Best Practices	Financial Administration	
N.J.A.C. 5:30-8.4 (a) establishes a schedule of minimum dollar amounts for municipal court surety bonding, specifically for municipal judges and municipal court administrators. However, subsection (b) of 5:30-8.4 encourages municipalities to adopt a more stringent schedule for municipal court surety bonding that is specified in the subsection. Has your municipality adopted, at minimum, the higher level surety bonding schedule for municipal court judges and court administrators set forth in N.J.A.C. 5:30-8.4(b)?			[0.50] Yes
037	Best Practices	Personnel	
Has your municipality established by ordinance an anti-nepotism policy that, at minimum, only authorizes the hiring the family members/relatives of municipal officials and employees if the individuals involved would do not work in a direct supervisory relationship, or in job positions in which a conflict of interest could arise. The term "family member/relatives" should be defined to include but not necessarily be limited to spouses, children, siblings, parents, in-laws, and step-relatives.			[0.50] Yes
038	Best Practices	Tax Collection	
Does your municipality issue periodic late notices to taxpayers who are overdue on their property tax payments?			[0.50] Yes
039	Best Practices	Procurement	
If your municipality contracts with an insurance broker for health insurance, and said contract exceeds the Local Public Contracts Law (LPCL) bid threshold, is your municipality's health insurance broker being procured through a competitive contracting or sealed bid process conducted pursuant to the Local Public Contracts Law? Only answer N/A if your municipality does not contract with an insurance broker for health insurance or, if it does, the contract does not exceed your municipality's LPCL bid threshold.			[0.50] N/A
040	Best Practices	Procurement	
Insurance broker fees dependent on the amount of health insurance premiums or fees paid by the municipality are vulnerable to abuse as brokers could face conflicting incentives in seeking lower-cost health insurance alternatives. If your municipality contracts with an insurance broker for health insurance, is the structure for broker payments set at a flat-fee rather than on a commission basis to mitigate the risk of a broker recommending more expensive health insurance coverage to earn higher fees? Only answer N/A if your municipality does not contract with an insurance broker for health insurance.			[0.50] Yes
041	Best Practices	Budget	
Has your municipality created an accumulated absence liability trust fund pursuant to N.J.A.C. 5:30-15.5? Only answer N/A if your municipality 1) does not offer (for any employee hired after a certain date) payouts upon retirement for accumulated sick leave, and 2) no current employee has a grandfathered right to sick leave payouts upon retirement.			[0.00] No
042	Best Practices	Transparency	
Does your municipality have an official social media account or accounts and, if so, is there a written policy establishing guidelines on access, use, and permitted content? Answer N/A if your municipality does not have a social media account.			[0.50] Yes
043	Best Practices	Transparency	
Does your municipality feature a link on its website to the Division of Taxation's Property Tax Relief Program webpage at https://www.state.nj.us/treasury/taxation/relief.shtml ?			[0.50] Yes
044	Best Practices	Environment	
Have public electric vehicle charging stations been installed on municipal property?			[0.00] No
045	Best Practices	Environment	
When purchasing new vehicles, does your municipality have a formal policy to purchase hybrid or alternative fuel vehicles whenever such vehicles are suited to the intended use? Only answer N/A if your municipality does not own any vehicles.			[0.00] No
046	Unscored Survey	Ethics	
N.J.S.A. 40A:9-22.19 of the Local Government Ethics Law allows a municipality to establish its own municipal ethics board. Does your municipality have both an ordinance on the books establishing a municipal ethics board and a municipal code of ethics pursuant to N.J.S.A. 40A:9-22.21?			[0.00] No
047	Unscored Survey	Ethics	
If your municipality has an ordinance establishing a municipal ethics board pursuant to N.J.S.A. 40A:9-22.19, is the board constituted with the minimum number of members necessary to establish a quorum for conducting business? A municipal ethics board shall consist of six members, at least two of whom shall be public members. No more than three members shall be of the same political party. Answer NA if your municipality does not have an ordinance establishing a local ethics board.			[0.00] N/A Comment: The Borough does not have a municipal ethics board.

048	Unscored Survey	Tax Collection	
<p>N.J.S.A 54:4-122.9 authorizes municipalities to adopt a resolution contracting with a local bank to serve as an "official tax receiving agency" for receiving, under the tax collector's supervision, current tax payments, current water and sewer charges, and other public monies. A bank authorized to serve in this capacity can take property tax payments, utility payments, and other charges that are otherwise paid directly to the municipality, so long as those payments are not for delinquencies. Delinquencies must be satisfied directly with the municipality; however, a bank may accept payments made within an authorized grace period. Local Finance Notice 2021-09 contains further information on applicable requirements. Has your municipality designated a local bank as an official tax receiving agency pursuant to N.J.S.A. 54:4-122.9?</p>			[0.00] Yes
049	Unscored Survey	Tax Collection	
<p>As explained in Local Finance Notice 2022-04, P.L. 2021, c. 99 expressly authorizes municipalities to establish property tax rewards programs encouraging patronage of local retail establishments. All actions properly taken by a municipal governing body prior to May 12, 2021 to authorize the creation and operation of a property tax rewards programs were also retroactively validated by P.L. 2021, c. 99. Has your municipality established a property tax rewards program?</p>			[0.00] No
050	Unscored Survey	Housing	
<p>The Urban Homesteading Act (N.J.S.A. 40A:12-31 through 38) allows a municipality to adopt an ordinance establishing a process whereby title to municipal property obtained through in rem foreclosure is transferred to individuals committed to rehabilitate the premises and reside there for a specified period. All ordinances establishing an urban homesteading program must be filed with the Division of Local Government Services. Does your municipality currently have an ordinance on the books establishing an urban homesteading program pursuant to the Act?</p>			[0.00] No
051a	Unscored Survey	Shared Services	
<p>If your municipality currently provides a chief financial officer, tax collector, tax assessor, municipal clerk, qualified purchasing agent, certified public works manager, municipal treasurer, and/or a public works superintendent to another municipality pursuant to a shared services agreement, please select one or more of the options provided and list under Comments each municipality along with the position being provided to that municipality. If your municipality currently provides none of these positions pursuant to a shared services agreement, select None of the Above and insert N/A into Comments.</p>			[0.00] None of the Above Comment: N/A
051b	Unscored Survey	Shared Services	
<p>If the answer to Question 51a is yes, did one or more of the identified shared service agreements result in the dismissal of a tenured official? If yes, please insert under Comments 1) the position or positions where an agreement resulted in the dismissal of a tenured official; and 2) an estimate of the cost savings anticipated to be achieved by the participating municipalities at the outset of the agreement. If the answer is No or N/A, please insert "No" or "N/A" under Comments. See LFN 2018-3R for more information on this provision of the Common Sense Shared Service Act.</p>			[0.00] N/A Comment: N/A
052	Unscored Survey	Environment	
<p>How much did your municipality spend on operational costs associated with managing and treating stormwater runoff in the prior fiscal year, and how much did your municipality appropriate toward same for the current fiscal year? Examples of such costs include street cleaning, conveyance system clean-out, routine maintenance of storm drains and outfall pipes, and stormwater runoff-related educational programs. Also list under Comments the FCOA codes your municipality is using to classify these stormwater-related prior year expenditures and current year appropriations.</p>			Comment: Shared Service -Township of River Vale (Street Cleaning, Routine Maintenance, etc.) / (2021) FCOA Code 26-297: \$0.00 (2022) FCOA Code 26-297: \$50,000.00
053	Unscored Survey	Financial Administration	
<p>Does your municipality currently retain a chief financial officer through a professional services contract?</p>			[0.00] No
054a	Unscored Survey	American Rescue Plan Act	
<p>What portion of the first tranche of ARP LFRF dollars has your municipality obligated to date?</p>			[0.00] 100%
054b	Unscored Survey	American Rescue Plan Act	
<p>What portion of the second tranche of ARP LFRF dollars will your municipality obligate toward eligible uses by December 31, 2022?</p>			[0.00] 100%
054c	Unscored Survey	American Rescue Plan Act	
<p>What portion of the second tranche of ARP LFRF dollars will your municipality obligate toward eligible uses by December 31, 2023?</p>			[0.00] 0%
055a	Unscored Survey	Opportunity Zones	
<p>Is your municipality aware of any real estate development projects or businesses that will be using the Opportunity Zone tax incentive or receiving an Opportunity Fund investment?</p>			[0.00] No
055b	Unscored Survey	Opportunity Zones	
<p>If your municipality knows of any projects that are using or will be using the Opportunity Zone tax incentive, please include the name of each project, the full address, a short description that includes the primary developer (if applicable), estimated value of the development (i.e. total permitted value), and the project's status (if known) on the Excel form provided on DLGS's Best Practices webpage. Upload the Excel form using the "Attach File" button toward the bottom of your screen. If you have uploaded the Excel form, type "File Uploaded" in the Comment Box. If you have not uploaded the Excel Form, type NA in the Comment Box.</p>			Comment: N/A

056a	Unscored Survey	Lead Remediation	
P.L. 2021, c. 182 requires a municipality to perform, or, in certain circumstances, hire a certified lead evaluation contractor to perform, inspections of certain single-family, two-family, and multiple rental dwellings for lead-based paint hazards. Further information concerning the requirements of this recently enacted law are available at https://www.nj.gov/dca/divisions/codes/resources/leadpaint.html . Does your municipality have a permanent local agency that has been charged with conducting inspections for lead-based paint in rental dwellings and enforcing the provisions of P.L. 2021, c. 182? If your answer is "Other" fill-in the name of the municipal agency under Comments. If your answer is "Shared Service", please fill-in the name of the agency and the local unit providing the service under Comments.			[0.00] No local agency
056b	Unscored Survey	Lead Remediation	
If your municipality does not have a permanent local agency or a shared services agreement to conduct inspections for lead-based paint in rental dwellings and enforce the provisions of P.L. 2021, c. 182, has your municipality retained a lead evaluation contractor certified to provide paid lead inspection services by the New Jersey Department of Community Affairs?			[0.00] No
056c	Unscored Survey	Lead Remediation	
Pursuant to P.L. 2021, c. 182, has your municipality identified rental dwellings that have experienced tenant turnover since July 22, 2022?			[0.00] No
056d	Unscored Survey	Lead Remediation	
If your municipality has identified rental dwellings that have experienced tenant turnover since July 22, 2022, have all of those units been inspected prior to re-occupancy?			[0.00] N/A
056e	Unscored Survey	Lead Remediation	
How many visual lead-based paint inspections did your municipality conduct thus far in 2022?			Comment: None
056f	Unscored Survey	Lead Remediation	
How many dust wipe-sampling lead-based paint inspections did your municipality conduct thus far in 2022?			Comment: None
056g	Unscored Survey	Lead Remediation	
How many post-remediation lead-based paint inspections has your municipality conducted thus far in 2022? Please only include numbers (no text or explanation) under Comments to facilitate tabulation.			Comment: 0.00
056h	Unscored Survey	Lead Remediation	
How many lead safe certifications have been issued by your municipality thus far in 2022? Please only include numbers (no text or explanation) under Comments to facilitate tabulation.			Comment: 0.00
056i	Unscored Survey	Lead Remediation	
What is the number of lead safe certifications issued by the municipality in the past fiscal year, as used by the municipality? Please only include numbers (no text or explanation) under Comments to facilitate tabulation.			Comment: 0.00
056j	Unscored Survey	Lead Remediation	
Would your municipality be interested in applying for a State grant program to assist with the rental dwelling inspection costs associated with implementing P.L. 2021, c. 182? Answer N/A if your municipality has no local lead inspection activities or does not have any dwellings eligible for inspection.			[0.00] N/A