

**WORK SESSION
MINUTES**

The Work Session Meeting of the Mayor and Council was in the Council Chambers and called to order at 7:30pm. 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 informing the public of the time and place according to the provisions of the Open Public Meeting Law (Chapter 231, P.L. 1975).

ROLL CALL:

Councilmember Arendacs - absent
Councilmember Cudequest
Councilmember Koelling

Councilmember Lane
Councilmember Roche
Councilmember Russo-Vogelsang

Also Present: Mayor Mike Ghassali; Borough Attorney, Dave Lafferty; Administrator, Joe Voytus; Borough Engineer, Jamie Giurintano and Municipal Clerk, Fran Scordo

ORDINANCES:

PUBLIC HEARING OF ORDINANCE NO. 2024-1549 AN ORDINANCE TO AMEND SALARY ORDINANCE NO. 2023-1538 TO PROVIDE FOR AND DETERMINE THE RATE, AMOUNT AND METHOD OF PAYMENT OF COMPENSATION TO PERSONS HOLDING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF MONTVALE FOR THE YEAR 2024

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

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

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

Title		2024 Salary Range
1	Borough Administrator	\$110,000 - \$150,000
2	Safety Coordinator	\$5,000 - \$8,000
3	Chief Financial Officer (PT)	\$21,000 - \$30,000
4	Municipal Clerk	\$85,000 - \$110,000
5	Municipal Clerk (PT)	\$65,000 - \$85,000
6	Deputy Municipal Clerk (PT)	\$20,000 - \$55,000
7	Admin. Assistant to Administrator	\$40,000 - \$65,000
8	Tax Collector (PT)	\$62,000 - \$80,000
9	Tax Assessor	\$37,000 - \$45,000

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10	Treasurer/Purchasing Agent	\$78,000	-	\$110,000
11	Deputy Treasurer	\$55,000	-	\$65,000
12	Accounts Payable Clerk	\$42,000	-	\$55,000
Title		2024 Salary Range		
13	Secretary, Planning Board/Land Use Admin. (PT)	\$83,000	-	\$105,000
14	Planning Board Secretary Special Meetings	\$45	-	\$65/hour
15	Board Secretary, Clerical/Recording	\$130	-	\$160
16	Office Manager (PT)	\$4,000	-	\$10,000
17	Board of Health Secretary (PT)	\$7,000	-	\$10,000
18	Registrar Vital Statistics	\$1,000	-	\$6,000
19	Deputy Registrar Vital Statistics	\$500	-	\$2,500
20	Construction Official	\$72,000	-	\$100,000
21	Building Subcode Official and Inspector (PT)	\$30,000	-	\$45,000
22	Zoning Officer (PT)	\$5,000	-	\$11,000
23	Building Subcode and Special Inspections	\$50	-	\$80/hour
24	Administrative Assistant – Planning Board Assistant/ Confidential Secretary/ Board Secretary/ Departmental Coordinator/ Floater	\$40,000	-	\$70,000
25	Facilities Manager, Buildings & Grounds and Property Inspector (PT)	\$20,000	-	\$30,000
26	Property Maintenance Officer (PT)	\$20,000	-	\$25,000
27	Construction Dept. Technical Assistant	\$50,000	-	\$70,000
28	Plumbing Subcode Official and Inspector (PT)	\$30,000	-	\$45,000
29	Plumbing Subcode and Special Inspections	\$50	-	\$80/hour
30	Fire Subcode Official and Inspector (PT)	\$30,000	-	\$45,000
31	Fire Subcode and Special Inspections	\$50	-	\$80/hour
32	Electrical Subcode Official and Inspector (PT)	\$30,000	-	\$45,000
33	Electrical Subcode and Special Inspections	\$50	-	\$80/hour
34	Fire Prevention Official	\$65,000	-	\$105,000
35	Fire Inspector/ Senior/Deputy Fire Official	\$7,600	-	\$30,000
36	Fire Prevention Secretary (PT)	\$1,000	-	\$3,000
37	Municipal Court Administrator	\$75,000	-	\$95,000

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38	Deputy Municipal Court Administrator	\$55,000	- \$75,000
39	Court Security	\$20	- \$27/hour
40	Violations Clerk	\$40,000	- \$60,000
41	Police Secretary	\$42,000	- \$60,000
42	Administrative Assistant for Police Chief	\$50,000	- \$65,000
43	Emergency Mgmt. Coordinator	\$5,000	- \$15,000
44	Deputy Emergency Mgmt. Coordinator	\$3,000	- \$6,000
45	Library Director	\$80,000	- \$105,000
46	Library – Library Adult Services	\$55,000	- \$70,000
47	Library (PT)	\$15.13	- \$55/hour
48	Library (PT) meetings	\$120	- \$225/mtg.
49	Construction Dept. Clerk	\$40,000	\$60,000
49A	Construction Dept. Clerk (PT)	\$20,000	- \$30,000
50	Director of Recreation	\$52,000	- \$70,000
51	Recreation Assistant	\$40,000	- \$55,000
51A	Recreation Assistant (PT)	\$20,000	- \$27,500
52	Recreation Summer Camp Stipend	\$2,000	- \$6,000
53	Summer Camp Counsellors	\$500	- \$2,000
54	Park Monitor (PT)	\$20	- \$26/hour
55	Van Drivers (PT)	\$20	- \$25/hour
56	Station Technicians (PT)	\$15	- \$20/hour
57	Booker Cable Access TV (PT)	\$3,000	- \$6,000
58	Archivist Records Manager/D.A.R.M. (PT)	\$25	- \$28/hour
59	Clerical/Recording Special Meetings	\$20	- \$40/hour
60	Deputy Construction Official	\$75,000	- \$85,000
61	Wellness Coordinator (PT)	\$500	- \$1,000
62	Wellness Incentive Participants	\$300	- \$500
63	Executive Assistant to Police Chief	\$60,000	- \$80,000
64	Coordinator, Off-Duty Details (PT)	\$10,000	- \$15,000
65	Municipal Housing Liaison	\$4,000	- \$8,000
66	Deputy Municipal Housing Liaison	\$3,000	- \$5,000

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

Title		2024 Salary Range
A.	Municipal Judge	\$40,000 - \$45,000
B.	Mayor	\$8,000 - \$10,000
C.	Councilpersons (each)	\$6,500 - \$8,000

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

Title		2024 Salary Range
A.	Chief	\$220,000 - \$250,000
B.	Captain	\$200,000 - \$225,000
C.	Lieutenant (Base Wage)	\$171,892 - \$176,705
D.	Sergeants (Base Wage)	\$159,956 - \$164,434
E.	Detective – Additional per year	\$4,500 - \$5,500
F.	Juvenile Officer – Addt'l per year	\$400 - \$400
G.	Asst. Juvenile Officer – Addt'l per year	\$350 - \$350
H.	Special Police Officer Class III (SLEO)	\$50,000 - \$60,000
I.	Special/Auxiliary Police	\$22/hour - \$28/hour
J.	School Cross Guard/Police Matrons	\$22/hour - \$28/hour

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

Police Officers Schedule (Base Wage Each)		
0-6 months	\$48,733	\$50,098
6 months – 1 year	\$55,814	\$57,377
1 – 2 years	\$62,894	\$64,655
2 – 3 years	\$77,053	\$79,211
3 – 4 years	\$91,213	\$93,767
4 – 5 years	\$105,372	\$108,322
5 – 6 years	\$119,530	\$122,877
6 – 7 years	\$133,691	\$137,435
7 – 8 years	\$147,850	\$151,990

SECTION 4B: In addition to the compensation stated above, Full Time Employees in Section

4 and Section 4A (excepting the Chief, Captain, and any other employee whose contract specifically excludes longevity), shall be paid an annual longevity increment pursuant to the following schedule:

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

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

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

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

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

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

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

have been approved by the proper certifying authorities.

SECTION 6. This ordinance shall be operative as of the date of its adoption and publication as required by law, and salaries paid shall be adjusted in accordance with the terms of this ordinance.

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

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

*A motion Introduced for second reading **Ordinance No. 2023-1549** by Councilmember Russo-Vogelsang; seconded by Councilmember Koelling; Clerk read by title only.*

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

No Public Comment

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

Motion to adopt on Second and Final Reading in The Bergen Record by Councilmember Lane; seconded by Councilmember Roche; Clerk read by title only - All ayes on a roll call vote

PUBLIC HEARING OF ORDINANCE NO. 2024-1550 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 170 OF THE BOROUGH CODE TO AMEND CERTAIN SUBCODE FEES

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

Section 1. Chapter 170, "Construction Codes, Uniform," Section 10, "Construction permit," shall be amended to add the underlined text and delete the bracketed text, as follows:

§170-10 Construction permit.

The fee for a construction permit shall be the sum of the subcode fees listed hereinafter, plus all applicable special fees listed herein, and shall be paid before the permit is issued. All fees are to be rounded to the nearest dollar amount.

A. The building subcode fees shall be:

(1) New construction: [\$0.055 per cubic foot of building or structure volume.]

a) New construction for Residential Use Group R5: \$0.060 per cubic foot of building or structure volume.

b) New construction for all other use groups: \$0.065 per cubic foot of building or structure volume.

(2) Minimum fee for new construction: [\$250.]

a) New construction for Residential Use Group R5: \$250.

b) New construction for all other use groups: \$750.

(3) Additions: [\$0.055 per cubic foot of building or structure volume.]

a) Additions for Residential Use Group R5: \$0.060 per cubic foot of building or structure volume.

b) Additions for all other use groups: \$0.065 per cubic foot of building or structure volume.

(4) Minimum fee for additions: [\$150.]

a) Additions for Residential Use Group R5: \$150.

b) Additions for all other use groups: \$500.

(5) Alterations or renovations: \$20 per \$1,000 of the estimated cost of construction.

(6) Minimum fee for alterations or renovations: \$150.

(7) All other fees shall be as follows:

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(a) Roofs:

- [1] Residential: no fee.
- [2] Commercial: \$200.

(b) Siding: no fee.

(c) Pools:

- [1] Aboveground: \$100.
- [2] In-ground: \$200 plus C.O. fee.
- (d) Sheds (over 100 square feet): \$150.
- (e) Tennis courts: \$250.
- (f) Asbestos/lead abatement: \$75.
- (g) Tank installation:

- [1] Residential: \$100.
- [2] Commercial: \$150.

(h) (Reserved)

(i) Stoves (fuel-burning): \$75.

(j) Fences: \$75.

(k) Demolition:

- [1] Principal residential: \$400.
- [2] Accessory residential: \$150.
- [3] Commercial: \$750.

(l) Air conditioning:

- [1] Residential: \$75.
- [2] Commercial: \$20 per \$1,000.

(m) Radon: \$60.

(n) Certificate of occupancy:

- [1] Residential (N S F D): \$150.
- [2] Residential (addition): \$100.
- [3] Others (less than 10,000 square feet): \$150.
- [4] Others (10,000 square feet and above): \$300.

(o) Certificate of compliance for asbestos: \$20.

(p) Signs:

- [1] Thirty square feet or less: \$50.
- [2] Over 30 square feet: \$100.
- (q) All accessory structures not specifically mentioned above: \$100.

B. Plumbing subcode fees shall be:

(1) Minimum fee:

(a) Residential: [~~\$75.~~] \$100.

(b) Commercial: \$150.

(2) Residential (per fixture): \$20.

(3) Commercial (per fixture): \$25.

(4) Other fees shall be as follows:

(a) Piping (or fuel oil): \$70.

(b) Sewer connection: \$75.

(c) Water service connection: \$75.

(d) Water heater:

[1] Residential: \$100.

[2] Commercial: \$100.

(e) Boiler:

[1] Residential: [~~\$75.~~] \$100.

[2] Commercial: [~~\$100.~~] \$125.

(f) Sewer pump:

[1] Residential: \$75.

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- [2] Commercial: \$100.
- (g) Air conditioning:
 - [1] Residential: [\$75.] \$100.
 - [2] Commercial: [\$100.] \$125.
- (h) Swimming pools:
 - [1] Residential: [\$75.] \$100.
 - [2] Commercial: [\$100.] \$125.
- (i) Interceptor/separator: \$75.
- (j) Backflow preventer: \$75.
- (k) Refrigeration unit: \$75.
- (l) Chimney liner: \$75.
- (m) Furnace: \$75.
- (n) All other devices:
 - [1] Residential: [\$75.] \$100.
 - [2] Commercial: [\$100.] \$125.
- C. The electrical subcode fees shall be:
 - (1) Minimum fee:
 - (a) Residential: [\$75.] \$125.
 - (b) Commercial: \$150.
 - (2) Fixtures and receptacles:
 - (a) One to 50: \$75.
 - (b) Each additional 25: \$30.
 - (3) Motors:
 - (a) One-eighth horsepower to one horsepower: \$30.
 - (b) One horsepower to 10 horsepower: \$40.
 - (c) Ten horsepower to 50 horsepower: \$50.
 - (d) Fifty horsepower to 100 horsepower: \$100.
 - (e) One hundred horsepower and over: \$400.
 - (4) Electrical devices:
 - (a) One kilowatt to 10 kilowatt: \$75.
 - (b) Ten kilowatt to 45 kilowatt: \$100.
 - (c) Forty-five kilowatt to 112.5 kilowatt: \$200.
 - (d) 112.5 kilowatt and over: \$400.
 - (5) Service:
 - (a) Two hundred ampere: [\$100.] \$125.
 - (b) Six hundred ampere: [\$125.] \$500.
 - (c) One thousand ampere: [\$150.] \$600.
 - (d) Over 1,000 ampere: [\$300.] \$650.
 - (e) Temporary service: \$75.
 - (6) Generators/transformers:
 - (a) One kilowatt to 7.5 kilowatt: \$75.
 - (b) 7.5 kilowatt to 30 kilowatt: \$100.
 - (c) Thirty kilowatt to 60 kilowatt: \$125.
 - (d) Sixty kilowatt to 112.5 kilowatt: \$200.
 - (e) Over 112.5 kilowatt: \$600.
 - (7) Other fees shall be as follows:
 - (a) Heat, smoke, burglar detectors, data, telephone, intercoms:
 - [1] Residential: \$75.
 - [2] Commercial one to 25: \$150.
 - [3] Each additional 25: \$40.
 - (b) Bonding: [\$50.] \$100 per pool.
 - (c) Pools, whirlpools, spas with bonding: \$75.
 - (d) Light standards:

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- [1] One to 10: \$75.
- [2] Each additional: \$10.
- (e) Trench inspections: \$50.
- D. Fire subcode fees shall be:
 - (1) Minimum fee:
 - (a) Residential: \$75.
 - (b) Commercial: \$150.
 - (2) Detectors and sprinkler heads:
 - (a) One to 50: \$200.
 - (b) 51 to 100: \$250.
 - (c) 101 to 200: \$300.
 - (d) 201 to 400: \$600.
 - (e) Over 400: \$1,000.
 - (3) Suppression systems:
 - (a) Fire pump: \$250.
 - (b) Dry pipe, alarm valves, preaction valves, standpipes:
 - [1] 2.5-inch pipe: \$75.
 - [2] Four-inch pipe: \$125.
 - [3] Six-inch pipe: \$175.
 - [4] Eight-inch pipe: \$225.
 - [5] Over eight inches: \$275.
 - (4) Other fees shall be as follows:
 - (a) Storage tanks, flammable, combustible, LPG:
 - [1] Residential: \$200.
 - [2] Commercial \$400.
 - (b) Alarm devices, supervisory, signaling:
 - [1] Residential: \$75.
 - [2] Commercial:
 - [a] First 1 through 10: \$200.
 - [b] Eleven to 50: \$20 each.
 - [c] Over 50: \$25 each.
 - (c) Kitchen hood exhaust systems:
 - [1] Residential: \$75.
 - [2] Commercial: \$200.
 - (d) Gas/oil-fired appliance: \$75.
 - (e) Wood stoves: \$75.
 - (f) Preengineered systems: \$125.
 - (g) Pool heater: \$75.
 - (h) Solar panels:
 - [1] Residential: \$75.
 - [2] Commercial: \$200.
 - (i) Tank removal:
 - [1] Residential: \$100.
 - [2] Commercial: \$150.
- E. Elevator fees shall be as set forth in N.J.A.C. 5.23 Subchapter 12.
 - (1) Acceptance test. The fee for elevators in structures not in Use Groups R-3 and R-4 shall be as follows:
 - (a) Traction and winding drum elevators:
 - [1] One to 10 floors: \$340; administrative fee: \$68.
 - [2] Over 10 floors: \$567; administrative fee: \$113.
 - [3] Hydraulic elevators: \$302; administrative fee: \$60.
 - [4] Rope hydraulic elevator: \$340; administrative fee: \$68.
 - [5] Escalator and moving walks: \$302; administrative fee: \$60.

- [6] Dumbwaiter: \$76; administrative fee: \$15.
- [7] Stairway chair lift, incline and vertical wheelchair and man lift: \$76; administrative fee: \$15.
- (2) Additional charges for device equipped with the following features shall be as follows:
- (a) Oil buffers: \$60; administrative fee: \$12.
- (b) Counterweight governor and safeties: \$151; administrative fee: \$30.
- (c) Auxiliary power generator: \$114; administrative fee: \$23.
- (3) The fee for elevator devices in structures in Use Groups R-3 and R-4 shall be per N.J.A.C. 5:23-12.6(a)3: \$227; administrative fee: \$45.
- (4) The fee for witnessing acceptance test of and performing inspections of alterations shall be per N.J.A.C. 5:23-12.6(a)4: \$100; administrative fee: \$25.
- (5) The fee for routine six-month tests and inspections for elevator devices in structures not in Use Groups R-3 and R-4 shall be as follows:
- (a) Traction and winding drum elevators:
- [1] One to 10 floors: \$190.
- [2] Over 10 floors: \$244.
- [3] Hydraulic elevators: \$136.
- [4] Rope hydraulic elevator: \$190.
- [5] Escalator and moving walks: \$190.
- (6) The fee for one-year periodic inspection and witnessing of tests of elevator devices, which shall include six-month routine inspection, shall be as follows, per N.J.A.C. 5:23-12.6(b)2.i through iv:
- (a) Traction and winding drum elevators:
- [1] One to 10 floors: \$302; administrative fee: \$60.
- [2] Over 10 floors: \$362; administrative fee: \$72.
- [3] Hydraulic elevators: \$227; administrative fee: \$45.
- [4] Rope hydraulic elevator: \$302; administrative fee: \$60.
- [5] Escalator and moving walks: \$484; administrative fee: \$97.
- [6] Dumbwaiter: \$120; administrative fee: \$24.
- [7] Stairway chair lift, incline and vertical wheelchair and man lift: \$183; administrative fee: \$37.
- (7) Additional yearly periodic inspection charges for elevator devices equipped with the following features shall be as follows, per N.J.A.C. 5:23-12.6(b)3.i through iii:
- (a) Oil buffers: \$60; administrative fee: \$12.
- (b) Counterweight governor and safeties: \$120; administrative fee: \$24.
- (c) Auxiliary power generator: \$76; administrative fee: \$15.
- (8) The fee for three- or five-year inspection of elevator devices shall be as follows, per N.J.A.C. 5:23-12.6(b)4.i and ii:
- (a) Traction and winding drum elevators:
- [1] One to 10 floors (five-year inspection): \$513; administrative fee: \$103.
- [2] Over 10 floors (five-year inspection): \$646; administrative fee: \$129.
- (b) Hydraulic and roped hydraulic elevator:
- [1] Three-year inspection: \$387; administrative fee: \$77.
- [2] Five-year inspection: \$227; administrative fee: \$45.
- F. New Jersey state permit surcharge fee shall be as set forth in N.J.A.C. 5:23-4.19.

Section 2. Repeal of Inconsistent Ordinances.

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

Section 3. Savings Clause.

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

Section 4. Severability.

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

Section 5. Effective Date.

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

*A motion Introduced for second reading **Ordinance No. 2023-1550** by Councilmember Russo-Vogelsang; seconded by Councilmember Lane; Clerk read by title only.*

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

No Public Comment

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

Motion to adopt on Second and Final Reading in The Bergen Record by Councilmember Lane; seconded by Councilmember Roche; Clerk read by title only - All ayes on a roll call vote

PUBLIC HEARING OF ORDINANCE NO. 2024-1551 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 181 OF THE BOROUGH CODE TO PROHIBIT THE SALE OF DOGS AND CATS BY RETAIL STORES

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

Section 1: Chapter 181, “Dogs and Other Animals,” of the Code of the Borough of Montvale Ordinances is hereby amended and supplemented by adding a new Article III, “Certain Sales Prohibited,” as follows:

**Article III
Certain Sales Prohibited**

- §181-26** **Definitions.**
- §181-27** **Prohibition on Sale of Dogs or Cats by Retail Pet Stores.**
- §181-28** **Penalty for violation.**
- §181-26** **Definitions.**

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

Retail pet store means a commercial establishment that sells or offers for sale animals on its premises at retail.

Sell or offer for sale means to display for sale or to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer.

Animal rescue organization means a non-profit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes. “Animal rescue organization” does not include any entity that breeds animals or that (1) is located on the same premises as; (2) has any personnel in common with; (3) obtains, in exchange for payment or any other form of compensation, dogs or cats from; or (4) facilitates the sale of dogs or cats obtained from a person that breeds animals.

Animal shelter means a facility, whether located in or outside the State of New Jersey, that is authorized to do business within the Borough of Montvale for the purpose of impounding or caring for seized, stray, homeless, abandoned, unwanted, or surrendered animals.

§181-27 Prohibition on Sale of Dogs or Cats by Retail Pet Stores.

- A. Notwithstanding any other provision of law to the contrary, it is unlawful for a retail pet store, as defined in this Article, to sell or offer for sale a dog or a cat.
- B. Nothing in this section shall be construed to prohibit a retail pet store from providing space to an animal rescue organization or an animal shelter, as defined in this Article, to publicly showcase dogs or cats available for adoption.

§181-28 Penalty for violation.

Any violation of this Article shall be subject to the penalties set forth in Chapter 1, General Provisions, Article I, General Penalty. Each sale or offer for sale in violation of this Article shall constitute a separate offense.

Section 2. Repeal of Inconsistent Ordinances.

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

Section 3. Savings Clause.

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

Section 4. Severability.

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

Section 5. Effective Date.

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

*A motion Introduced for second reading **Ordinance No. 2023-1551** by Councilmember Russo-Vogelsang; seconded by Councilmember Cudequest; Clerk read by title only.*

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

Catherine Schmidt, 9 Blue Sky Lane
Encouraged the council to pass ordinance

Bonnie Dickenson
She runs a small animal rescue store. Bergen County Animal Shelter has a new Director.
Encouraged council to pass ordinance

Richard, Clifton
He stated that he is an animal rights activist, and he is working with State legislators to make a state ban. He also encouraged council to pass ordinance.

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Koelling - all ayes
Motion to adopt on Second and Final Reading in The Bergen Record by Councilmember Lane; seconded by Councilmember Cudequest; Clerk read by title only - All ayes on a roll call vote

MEETING OPEN TO PUBLIC

Agenda Items Only

A motion to open the meeting to the public for agenda items only by Councilmember Lane; seconded by Councilmember Koelling – all ayes

Bob Hanrahan

Has concerns regarding resolution 69 on the agenda. He mentioned that the particular chargers that offered come with cameras, microphones for data collection. The Borough Administrator stated that this a way to get the process started at no cost to the borough by installing these chargers. Bob stated the chargers are manufactured in China. Suggested that the chargers should be vetted thoroughly before installing.

MEETING CLOSED TO PUBLIC

Agenda Items Only

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

MINUTES:

February 8, 2024

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

CLOSED/EXECUTIVE MINUTES:

None

RESOLUTIONS:

63-2024 Authorize The Cancellation of All Future Taxes Due To Granting Of Totally Disabled Veteran Status By Department Of Veterans Affairs

WHEREAS, this resolution authorizes the municipality to cancel 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 Sergio Francisco Lopez. Mr. Lopez is the owner of 27 Hering Road, Block 506, Lot 10; 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 cancel all future taxes as per the above.

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

64-2024 Refund Overpayment of Taxes - Due to Veteran Exempt Status – Sergio Lopez

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

WHEREAS, the owner of 27 Hering Road, Sergio Lopez, is totally exempt from taxes due to his Veteran status, his mortgage company made a payment for February 1st installment in the amount of \$3,576.00 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 \$3,576.00 to Sergio Lopez, of 27 Hering Road, Montvale, NJ 07645

Introduced by: Councilmember Lane; seconded by Councilmember Cudequest - a roll call was taken - all eyes with the exception of Councilmember Koelling abstaining

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.

62-2024 Authorize Change Order No. 1 – 60-Ton HVAC Roof Unit Installation Project for Montvale Borough Hall - C. Dougherty & Co., Inc

WHEREAS, the Borough of Montvale awarded a contract via Resolution No.185-2023 to C. Dougherty & Co., Inc. with offices located 7 Washington Avenue, Paterson, NJ 07503; and **WHEREAS**, the original contract amount was for Base Bid in the amount of \$197,000.00; and **WHEREAS**, the Electrical Sub-Code official has been monitoring the project and recommends the electrical upgrade needs to be completed, quote is attached to the original resolution; and

Contract Amount

Base:	\$197,000.00
Change Order #1	\$ 4,072.54
Adjusted Total:	\$201,072.54

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Montvale authorize Change Order #1 in the amount of \$4,072.54; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that the above reference change order #1 is hereby approved:

65-2024 Authorize Change Order No. 2 – NJDOT FY 2021 Various Streets, Craig Road - American Asphalt & Trucking, LLC

WHEREAS, the Borough of Montvale awarded a contract via Resolution No.77-2022 to American Asphalt & Trucking, LLC 818 Summer Avenue, Newark NJ 07104 for the Various Streets Craig Road Project; and

WHEREAS, the original contract amount was \$185,564.87; and

WHEREAS, the Borough Engineer, in a letter dated February 12, 2024, which is attached to the original of this resolution and has been monitoring the project recommends in full detail the proposed Change Order #2 in the amount of \$945.07; and

Contractor

Total Contract Amount Base Bid	\$ 185,564.87
Change Order #1	\$ 8,101.37
Change Order #2	\$ 945.07
Adjusted Total Contract Amount	\$ 194,611.31

NOW THEREFORE BE IT RESOLVED, By the Governing Body of the Borough of Montvale authorize Change Order #2 in the amount of \$945.07; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that the above reference change order #2 is hereby approved.

66-2024 Resolution Of The Borough of Montvale, County Of Bergen, Opposing Assembly Bill No. 4/Senate Bill No. 50, Which Proposes To Overhaul The Fair Housing Act (“FHA”) In A Way That Imposes Unrealistic Obligations With Unrealistic Deadlines Based Upon Onerous Standards

Mount Laurel II

WHEREAS, in 1983, the Supreme Court decided a landmark case, commonly referred to as Mount Laurel II; and

WHEREAS, Mount Laurel II and its progeny generated substantial litigation culminating in the enactment of the New Jersey Fair Housing Act in 1985 (“FHA”); and

The Fair Housing Act of 1985

WHEREAS, the Legislature enacted the FHA to restore home rule, to bring the fair share numbers back to reality and to reduce the burdens of Mount Laurel compliance; and

WHEREAS, more specifically, the FHA sought *to restore home rule* by imposing a moratorium on the builder’s remedy and by providing an administrative process that municipalities could voluntarily pursue wherein they would be insulated from developers seeking builder’s remedies to try to compel them to capitulate their zoning demands; and

WHEREAS, the FHA sought *to bring the fair share numbers back to reality* by among other things defining the prospective need as the need “based on development and growth which is reasonably likely to occur” and by calling for the fair share to be adjusted to a number lower than the fair share formula generated if the municipality lacked sufficient land to satisfy the obligation generated by the fair share formula; and

WHEREAS, the FHA sought *to reduce the burdens on municipalities* by prohibiting any requirement for municipalities to expend their own resources to comply; and

The New Jersey Council on Affordable Housing

WHEREAS, the FHA created COAH and conferred “primary jurisdiction” on COAH to administer the FHA and to implement the affordable housing policies of our State; and

WHEREAS, all acknowledge -- even Fair Share Housing Center (“FSHC”) -- that COAH functioned just fine in Rounds 1 and 2; and

WHEREAS, COAH did not adopt valid regulations for Round 3 despite multiple efforts to do so and made no efforts to cure the bottleneck the third time COAH voted 3-3 on Round 3 regulations; and

Mount Laurel IV

WHEREAS, in 2015, the Supreme Court issued a decision, commonly referred to as Mount Laurel IV, in response to a motion to transfer the responsibilities of COAH back to the courts in light of COAH’s failure to adopt valid regulations; and

WHEREAS, in Mount Laurel IV, the Supreme Court returned the task of implementing the doctrine back to the Courts because COAH had failed to do its job and made no effort to cure the roadblock when it voted 3-3 on the third iteration of Round 3 regulations; and

WHEREAS, notwithstanding the foregoing, the Court emphasized that it preferred the administrative remedy created by the FHA to a judicial one and hoped that COAH would be effective so that towns could comply once again through the administrative process created by the FHA; and

WHEREAS, the Court process proved to be far more expensive than the COAH process and was ill-suited for resolving comprehensive planning disputes over affordable housing matters; and

WHEREAS, the Round 3 process was a disaster with judges pressing municipalities to comply before even establishing the obligations with which they must comply; and

WHEREAS, ultimately, on March 8, 2018, after a 41-day trial in Mercer County, Judge Jacobson issued an opinion in which she set forth a fair share methodology; and

WHEREAS, in that trial and in various other instances throughout the state, FSHC took the

position that the Statewide obligation should exceed 300,000 to be addressed between 2015 and 2025; and

WHEREAS, municipalities, through Dr. Robert Powell, presented evidence that, in a best case scenario, the State could only absorb less than 40,000 affordable units and thus argued that FSHC's calculations was not grounded in reality whatsoever; and

WHEREAS, the Court, having been constrained by the Supreme Court to prescriptively utilize a formula from 1993, ultimately concluded that the Statewide obligation to be constructed between 2015-2025 was roughly 153,000 units; and

The 354 Settlements with FSHC

WHEREAS, FSHC reports that it entered 354 settlements in Round 3; and

WHEREAS, many municipalities are reeling under the burden of satisfying their obligations under those settlements entered between 2015 and 2023; and

WHEREAS, many of those Round 3 settlements will result in development during the Round 4 period; and

WHEREAS, Round 4 is set to begin on July 1, 2025 and there is no comprehensive analysis on the impacts of the 354 Round 3 settlements and over-zoning described above; and

WHEREAS, indeed, the A4/S50 Bill fails to consider the impact from affordable housing projects that were approved during the Third Round, but are still not yet under construction, as said projects, as well as additional future projects, will impact legitimate public concerns like infrastructure, the environment, schools, traffic, parking and open space; and

WHEREAS, the Round 3 process destroyed the balance achieved by the Fair Housing Act in 1985; and

A-4/S-50

WHEREAS, on December 19, 2023, against the above backdrop, the Housing Committee of the Assembly (a) unveiled the Legislation (A-4) – a detailed 69-page bill that the Chairwoman of the Housing Committee announced had been worked on for a long time; and (b) scheduled the bill for a vote at a hearing scheduled less than 24 hours later; and

WHEREAS, on December 19, 2023, the Administrative Office of the Courts wrote to the Legislature and made clear that it could not structure the bill in the manner set forth in the proposed legislation; and

WHEREAS, notwithstanding the foregoing, on December 20, 2023, the Housing Committee voted the bill out of the Committee and announced that the bill needed to be ready for signing by the Governor before the end of the lame duck session on January 8, 2024; and

WHEREAS, the perception that the Legislative designed was to adopt the bill before the public had an opportunity to review it and provide meaningful comment was as real as it was unmistakable; and

WHEREAS, consequently, the Legislature did not ram the bill through in the lame duck session; and

WHEREAS, instead, on January 29, 2024, the Housing Committee of the Assembly met to consider a new version of A-4 and voted to release it out of the Committee; and

WHEREAS, on February 8, 2024, as a result of comments, letters and resolutions challenging this new version of A-4, the Appropriations Committee of the Assembly announced a number of changes to the Bill; and

WHEREAS, one witness likened the summary presented to the public at the February 8, 2024 Appropriations meeting to that of an auctioneer; and

WHEREAS, the Appropriations Committee voted the bill out of the Committee at its February 8, 2024 meeting before the public had an opportunity to even see the changes, much less process their significance and comment on them; and

WHEREAS, the bill has been improved marginally as it has evolved from its initial version in December of 2023 to the current version voted out of the Appropriations Committee of the Assembly on February 8, 2024; and

WHEREAS, despite elimination of just some of the gross excesses of the prior version of the bill,

the current bill released after the February 8, 2024 Appropriations Committee meeting is still severely flawed; and

WHEREAS, the Bill still creates a judicial entity made up of 3-7 retired Mount Laurel judges called "The Program", which, unlike COAH, is not comprised of an equal number of municipal and housing representatives, and is not made up of an equal number of Republicans and Democrats, thereby depriving the citizens of our State of the carefully crafted COAH Board that included a diversity of interests and that was the centerpiece of the FHA adopted in 1985; and

WHEREAS, the Bill still does not require the promulgation of affordable housing obligations, or the adoption of substantive regulations, in a way that utilizes an open and transparent process that COAH used and that gave all interested parties an opportunity to comment and receive COAH's response to their comments; and

WHEREAS, as detailed below, the bill creates a patently unreasonable responsibility on municipalities by imposing an obligation on them to create a realistic opportunity for satisfaction of a fair share that is itself unrealistic; and

WHEREAS, the current version still details the methodology to be used for determining the fair share numbers of municipalities in Round 4 and in subsequent rounds; and

WHEREAS, the current version still presumes that 40 percent of all new households will qualify as low or moderate; and

WHEREAS, the current version still calls for the determination of the prospective need by subtracting the number of households reported in the 2010 Decennial Census from the number of households reported in the 2020 Decennial Census and multiplying that figure by 40 percent; and

WHEREAS, we calculate the statewide need number to be 84,690 based upon the formula set forth in the bill; and

WHEREAS, the current version of the Bill calls for 84,690 to be adjusted by the number of conversions and demolitions; and

WHEREAS, the statewide fair share would be increased from 84,690 to 96,780, if we assume the same number of demolitions and conversions used by Judge Jacobson in her formula for Round 3 that will apply in Round 4; and

WHEREAS, we can estimate the obligation of each municipality if we assume that the same percentage of the regional need in Round 3 for each municipality applies in Round 4; and

WHEREAS, we have widely distributed our estimates and invited input after acknowledging that we have done the best we can to formulate estimates in very limited time; and

WHEREAS, other than an analysis of the allocation factors by an expert for the American Planning Association (Creigh Rahenkamp) who identified problems with the allocation factors, nobody has accepted our invitation to review and comment on our rough estimates; and

WHEREAS, to the contrary, the Executive Director of Fair Share Housing Center testified that he did not have a calculation of the fair share numbers; and

WHEREAS, more importantly, no committee of the Assembly or Senate has identified the fair share obligations municipalities should expect based upon the formula set forth in the bill; and

WHEREAS, the 96,780 fair share number estimated for Round 4 compares to the roughly 211,000 COs issued between 2010 and 2020; and

WHEREAS, the 96,780 fair share number divided by 211,000 COs equals roughly 46 percent (45.867 percent to be more precise); and

WHEREAS, all municipalities should be able to cure any violations of the prohibition against exclusionary zoning with inclusionary zoning; and

WHEREAS, traditional inclusionary zoning ordinances generally require no more than 20 percent of the units to be affordable; and

WHEREAS, it is mathematically impossible to satisfy a 46 percent problem with a 20 percent solution and, therefore, the number generated by the statutory formula is patently excessive; and

WHEREAS, while this mathematical error conceptually may have existed at COAH, COAH utilized its discretion to reduce the statewide number to roughly 5,000 units per year in Rounds 1-2 (or lower for prospective need in its attempted regulations in 2014); and

WHEREAS, in addition, COAH's Round 2 regulations had flexible standards, Regional Contribution Agreements (RCAs), an achievable bonus structure, waivers and other flexible standards to further mitigate the problem; and

WHEREAS, had COAH not mitigated the problem, it is likely that the regulations would have been challenged by municipalities; and

WHEREAS, as detailed below, the Bill still fails to account for the enormous burdens on municipalities to comply with their Round 3 obligations before imposing very substantial additional burdens on those 354 municipalities for Round 4; and

WHEREAS, a representative of FSHC testified that it has entered into 354 settlements and that it would furnish those settlements to the Housing Committee, which it has failed to do; and

WHEREAS, we have pressed FSHC to advise how much development will take place in Round 4 as a result of municipalities implementing the 354 settlements reached in Round 3; and

WHEREAS, Adam Gordon on behalf of FSHC has indicated he doesn't know the answer to this question and no committee of the Assembly or Senate has even hinted at what the answer might be; and

WHEREAS, the Bill requires municipalities to create a realistic opportunity for satisfaction of a fair share without taking into account how many affordable units can realistically be achieved through traditional inclusionary zoning (where generally one out of every five units must be affordable); and

WHEREAS, we also sought to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning by urging the Legislature to do a market study since the strength of the housing market will determine the number of market units that can reasonably be anticipated that are essential to generating one affordable unit for every four market units constructed; and

WHEREAS, the Legislature has not furnished a market study in response to our repeated emphasis on the need for one to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning; and

WHEREAS, as explained below, the bill dilutes the protections to which a municipality is currently entitled as it seeks to comply voluntarily and even after it secures approval of its affordable housing plan; and

WHEREAS, current laws preserve a municipality's immunity in the absence of proof that the municipality is "determined to be constitutionally noncompliant", the proposed bill does not give municipalities seeking to comply voluntarily the same measure of protection the Supreme Court deemed appropriate; and

WHEREAS, A4/S50 subjects municipalities to litigation not only as they seek approval of their Housing Element and Fair Share Plans, but also even after they secure approval of those plans; and

WHEREAS, more specifically, A4/S50 provides municipalities a "compliance certification" if the municipality secures approval of its affordable housing plan; however, that certification does not prevent an interested party from "alleging that, despite the issuance of compliance certification, a municipality's fair share obligation, fair share plan, housing element, or ordinances implementing the fair share plan or housing element are in violation of the Mount Laurel doctrine"; and

WHEREAS, the Bill suffers from a myriad of additional flaws; and

WHEREAS, under current laws, a municipality would have a right to rely on the fair share number that COAH provides; however, under the new bill a municipality would only have a presumption of validity that the number the DCA provides to the municipality is appropriate and FSHC, a deep pocketed developer or any other interested party could seek to overcome that presumption through litigation; and

WHEREAS, the A4/S50 Bill replaces a straightforward system by which a municipality could secure bonus credits up to a 25 percent cap with a highly complicated system for securing bonuses with many conditions attached to various forms of bonus.; and

WHEREAS, the Legislature previously capped the fair share of any municipality down to 1,000 in

recognition that any obligation above 1,000 would be “onerous”; A4/S50 applies the 1,000-unit cap only to a component of the municipality’s fair share -- the prospective need – and authorizes the imposition of an obligation that is onerous; and

WHEREAS, the A4/S50 Bill creates unfair requirements and ambiguity when it comes to the Vacant Land Adjustment process, which could lead to municipalities that lack sufficient vacant land being required to produce more affordable housing units than is practical; and

WHEREAS, the A4/S50 Bill includes many other provisions and changes to the FHA that are impractical and devoid of any consideration of the burdens created by the statute; and

WHEREAS, as a result of the facts set forth above, a bill that boasts of its effectiveness in reducing costs and litigation will clearly have the exact opposite effect; and

WHEREAS, in addition to all the concerns expressed above, a bill that so radically changes the affordable housing laws of our state still needs considerable work; and

WHEREAS, indeed, as the following facts demonstrate, the Legislature has yet to do the most fundamental due diligence before enacting a statute with such broad ramifications;

The Legislature has not and cannot inform the public of the fair share obligations the bill, if enacted, would impose on the public;

The Legislature has not and cannot inform the public of the obligations that municipalities will satisfy in Round 4 from the 354 settlements achieved in Round 3 before heaping substantial additional burdens on them for Round 4;

The Legislature has not and cannot inform the public of the number of affordable units that can realistically be achieved through traditional inclusionary zoning while imposing obligations on municipalities to create a realistic opportunity for a fair share that far exceeds any number a municipality can realistically achieve through inclusionary zoning; and

WHEREAS, as a result of the pronounced lack of due diligence, the bill will likely force taxes to increase dramatically and will foster serious overdevelopment creating unreasonable burdens on our schools, public services, roads, sewer and water infrastructure; and

WHEREAS, the Legislature clearly can and should upgrade the affordable housing policies of our State; however, the current Version of A4 is not the answer and the most fundamental diligence can and should be exercised before adopting such a bill.

NOW, THEREFORE, BE IT RESOLVED, that for all of the above reasons, the Mayor and Councilmembers of the Borough of Montvale, objects to and opposes Assembly Bill No. 4/Senate Bill No. 50, and requests that the bill be tabled, re-written and re-introduced in way that imposes achievable obligations and facilitates the ability of the municipality to satisfy its obligations.

A certified copy of this resolution shall be sent to the Legislators in the State Assembly and Senate representing our District immediately.

67-2024 Authorize the submission of an application for the 2024 NJDCA Local Recreation Improvement Grant

WHEREAS, the Borough of Montvale desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$ 100,000.00 to carry out a project to construct a shade structure at Huff Park for the Huff Park Improvements.

BE IT THEREFORE RESOLVED, that the Borough of Montvale does hereby authorize the application for such a grant; and recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does

further authorize the expenditure of funds pursuant to the terms of the agreement between Borough of Montvale and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith

68-2024 Authorizing the Advertisement for Receipt of Proposals for Banking Services

WHEREAS, the Borough’s Chief Financial Officer is responsible for banking services of municipal funds; and

WHEREAS, the contract with the current primary banking service provider has not been resolicited in a number of years; and

WHEREAS, in seeking the most competitive services, the Chief Financial Officer recommends soliciting proposals for banking services and recommends the selected bank be incorporated into the adopted cash management plan.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council does hereby authorize advertisement for the receipt of proposals for banking services under a “fair and open” process.

70-2024 Amending Resolution No. 47-2024 To Establish Recreational Fees for Year 2024

WHEREAS, The Recreation Department hereby establishes the programs, times and fees for various programs; and

WHEREAS, the Recreation Director has recommended that the following fees, programs, and times be revised as described; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the following fees and programs and services be and are hereby established

TIME SCHEDULE FOR PICKLEBALL COURTS:

Weekdays and Weekends:

8:00AM - Dusk

<u>Program Name</u>	<u>Session Length</u>	<u>Resident Fee</u>	<u>Non-Resident Fee</u>
30+ Basketball	Sept-May	\$75	\$95
	Jan-May	\$40	\$60
Adult Soccer	10 weeks	\$15	\$20
Golf Instruction	6 weeks	\$115	\$135
	8 weeks	\$150	\$170
Pickleball Instruction	6 weeks	\$120	\$140
	8 weeks	\$160	\$180
Summer Camp: Grades 1-5	4 weeks	\$450 per child \$1350 family max	\$500 per child \$1500 family max
Adventure Camp: Grades 6-7	4 weeks	\$550 per child	\$610 per child

BOROUGH OF MONTVALE

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<p>Summer Camp Resident/Non-Resident</p>	<p>\$30 Additional Fee after Registration Period. \$25 late charge for every 15 minutes a child is left under care after camp dismissal. Payment shall be made directly to the Camp Director or Asst. Director and turned over to the Borough of Montvale. Camp financial assistance fee amounts will be at the discretion of the Recreation Director.</p>		
<p><u>Program Name</u></p>	<p><u>Session Length</u></p>	<p><u>Resident Fee</u></p>	<p><u>Non-Resident Fee</u></p>
<p>Extended Day Multisport Camp by TGA During Summer Camp Weeks Only</p>	<p>1 week (2:30-6:30pm)</p>	<p>\$220</p>	<p>\$250</p>
<p>Multisport Camp by TGA After Summer Camp Weeks Conclude and/or During School Breaks</p>	<p>1 week (Half Day)</p>	<p>\$245</p>	<p>\$255</p>
	<p>1 week (Full Day)</p>	<p>\$295</p>	<p>\$305</p>
	<p>1 week (Full Day + After Care)</p>	<p>\$375</p>	<p>\$395</p>
<p>The Way- The Art of Life</p>	<p>8 weeks (@ 2 classes per week)</p>	<p>\$120</p>	<p>\$180</p>
<p>Tai Chi</p>	<p>8 weeks</p>	<p>\$80</p>	<p>\$100</p>
<p>Montvale Senior Club Tai Chi Discount:</p>	<p>8 weeks</p>	<p>\$40</p>	<p>\$40</p>
<p>Tennis Lessons</p>	<p>6 weeks</p>	<p>\$120</p>	<p>\$150</p>
	<p>8 weeks</p>	<p>\$160</p>	<p>\$200</p>
<p>Tennis Badges</p>			
<p>Adult (Ages 18-61)</p>	<p>March-December</p>	<p>\$30</p>	<p>\$60</p>
<p>Child (Ages 17 & Younger)</p>	<p>March-December</p>	<p>\$10</p>	<p>\$20</p>
<p>Family Max</p>	<p>March-December</p>	<p>\$60</p>	<p>\$120</p>
<p>Seniors (Ages 62 & Up)</p>	<p>March-December</p>	<p>\$15</p>	<p>\$30</p>
		<p>\$10 Fee for Replacement Tennis Badge</p>	
<p>Basketball Badges</p>			
<p>Adult (Ages 18-61)</p>	<p>Residents: Lifetime Non-Residents: January-December</p>	<p>Free</p>	<p>\$25</p>
<p>Child (Ages 17 & Younger)</p>	<p>Residents: Lifetime Non-Residents: January-December</p>	<p>Free</p>	<p>\$15</p>
<p>Seniors (Ages 62 & Older)</p>	<p>Residents: Lifetime Non-Residents: January-</p>	<p>Free</p>	<p>\$10</p>

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	December		
		\$5 Fee for Replacement Basketball Badge	
Pickleball Badges			
Adult (Ages 18-61)	January-December (weather permitting)	\$30	\$100
Child (Ages 17 & Younger)	January-December (weather permitting)	\$10	\$30
Seniors (Ages 62 & Older)	January-December (weather permitting)	\$15	\$100
Family Maximum		\$60	\$200
	\$10 Fee for Replacement Pickleball Badge		
Ultimate Frisbee	6 weeks	\$75	\$95
	8 weeks	\$100	\$120
Volleyball- Adult	January-May	\$240	\$260
Volleyball- Girls	10 weeks	\$200	\$220
Women's Softball- Adult	April - August	\$60	\$70
Yoga	8 weeks	\$80	\$100
Yoga Mini Session	4 weeks	\$40	\$100
Youth Theater	September-December	\$10	\$50

WHEREAS, Borough Owned Recreational Fields and Facilities shall be scheduled by the Borough of Montvale Field Coordinator; and

WHEREAS, Montvale Athletic League ("MAL"), Montvale Recreation and Pascack Hills High School shall have first priority field scheduling use and shall be provide a schedule to the Field Coordinator no later than February 1 and June 1 for the respective Spring and Fall seasons.

WHEREAS, MAL, Recreation, Pascack Hills High School and churches are exempt from payment of fees relating to field use.

<u>Facilities</u>	<u>Fee</u>	<u>Resident Team/Corporation</u>	<u>Non-Resident Team/Corporation</u>
Ballfields: Baseball or Softball (Memorial, Fieldstone or LaTrenta)	Per Hour Per Field (2 hour minimum)	\$25	\$50
Turf Fields: Soccer or Lacrosse (Fieldstone)	Per 2 Hour Time Slot Per Field	\$75 (full field) \$50 (half field)	\$150 (full field) \$100 (half field)
Basketball Courts: (Memorial)	Per Hour: Court #2 Only	\$25	\$50
Tennis Court Group Reservation (Memorial or LaTrenta) *Two court maximum reservation at any one location	Per Day	\$25	\$50

BOROUGH OF MONTVALE**FEBRUARY 27, 2024**

Corporation Event Field Reservation (1 scheduled day plus 2 rain dates)	Per Day	\$200	\$400
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Field and Facility Permit Regulations

MAL endorsed programs in sports that are not offered by MAL, and which have Montvale residents participating, shall be charged the resident fee for field use.

Resident Corporation: Any company that owns or leases commercial within the borough.

Non-Resident Corporation: Any company that does not own or lease commercial space within the borough.

Residential Team: Any athletic team comprised of at least 75% of its roster with Montvale residents.

Non-Residential Team: Any team not having at least 75% of its roster filled with Montvale residents.

Time Slot: An uninterrupted 1 or 2 hour time period or any part thereof, that a field/facility is being used by an approved team.

Corporate Fees: Corporate fees paid to the borough for field use, whether Resident Corporation or Non-Resident Corporation, will entitle the user to 1 field reservation time slot and up to 2 additional time slots that are designated as "rain dates".

Season: Spring season will begin March 1 and end July 31. Fall season will begin August 1 and end December 31.

Field/Facility users who provide 7 days or more notice of changes in their scheduled use can receive a time credit if the scheduled hours are decreased. Any changes in field schedules without 7-day notice will not receive a time credit for unused field time. Time credits are only valid for the existing season and the following season.

Lightning Detection Credit Policy: If the lightning detector activates with less than 50% of scheduled time elapsed for that date, the organization shall receive a credit for that day's scheduled timeslot. If the lightning detector activates after 50% of the scheduled time has elapsed, no time credit will be granted.

Payment is required prior to use on all fields or no field use will be granted.

Once field use requests are received in full by February 1st for Spring season and June 1st for Fall season, field use will be established with the following order of preference:

Montvale Athletic League, Recreation and Pascack Hills High School

Resident: Not-For-Profit Entity

Resident: For Profit Entity

Non-Resident: Not-For-Profit Entity

Non-Resident: For-Profit Entity

WHEREAS, it is the Borough of Montvale's intention by the adoption of this resolution that if any prior established fee is in conflict with fee schedule the fees set forth in this fee schedule shall be the fees charged and any conflicting prior fee is hereby superseded, repealed and replaced with the fees adopted pursuant to this resolution.

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

71-2024 Award Professional Service Contract – Design Services for Kinderkamack Road and Magnolia Ave Intersection Concept - Colliers Engineering & Design

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer for Design Services for the improvement of the intersection of Kinderkamack Road and Magnolia Ave; and

WHEREAS, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

WHEREAS, Colliers Engineering & Design, 400 Valley Road, Suite 304, Mt. Arlington, NJ 07856 has submitted a proposal dated February 22, 2024 to provide engineering services which are detailed and attached to the original of this resolution, and

WHEREAS, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

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

1. That the proposal for the scope of engineering services is attached to this resolution which is made part of this resolution shall be awarded to Colliers Engineering & Design.
2. That the following be provided: Concept Plan Preparation, Meetings and Coordination with Bergen County Engineering Department.
3. The cost not to exceed shall be \$10,000.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

BE IT FURTHER RESOLVED, that a copy of this resolution be published an official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Municipal Clerk, Municipal Complex, 12 DePiero Drive, Montvale, NJ 07645.

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

Councilmember Roche asked if we will get reimbursed from the county. Mayor Ghassali stated n, We have to design it.

69-2024 Authorizing an Agreement with Livingston Energy Group for Four (4) 180kW DCFC Electric Vehicle Charging Units and Five (5) Years of Operation of Said Units at No Cost to the Borough

WHEREAS, the Borough of Montvale is committed to supporting the use of electric vehicles and increasing the EV charging infrastructure within the Borough; and

WHEREAS, though Livingston Energy Group, 2345 Maxon Road Ext., Suite 1, Schenectady, New York, the Borough has been able to procure four (4) 180 kW DCFC Electric Vehicle Charging Units, and necessary electrical upgrades, at no cost to the Borough due to rebates from Livingston and Orange and Rockland Utilities; and

WHEREAS, Livingston shall operate the units for an initial period of five (5) years, also at no cost

to the Borough, except to the extent that the Borough utilizes the units to charge Borough-owned electric vehicles for which the Borough will pay the prevailing rates to utilize said units; and **WHEREAS**, the Borough is desirous of approving this agreement with Livingston. **NOW, THEREFORE, BE IT RESOLVED** that the Borough does hereby approve an agreement with Livingston Energy Group for installation and operation of four (4) 180 kW DCFC Electric Vehicle Charging Units at the location identified on the attached Site Plan, for a period of five (5) years, at no cost to the Borough of Montvale.

A motion to withdraw this resolution by Councilmember Lane; seconded by Councilmember Cudequest – all ayes

BILLS: Administrator read the Bill Report

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

ENGINEER'S REPORT:

Jamie Giurintano

Report/Update

Submitted the list of roads to the coop, the bids should go out shortly. Smoke testing for Valley view was completed, it not yield many results. We are compiling quotes to do video testing.

ATTORNEY REPORT:

Dave Lafferty, Esq.

Report/Update

Application for the DePiero's is still pending at the Planning Board; signed the contract with Velia for 127 Summit, looking to close in the next 30 days.

ADMINISTRATOR REPORT:

Joe Voytus

Report/Update

Met with the finance committee, the CFO will be speaking with our auditors to finalized the budget. Joe asked for guidance as to the EV chargers; after a brief discussion, councilmembers decided to have Joe look into different models and manufacturers.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Discussion – Fourth Round Vacant Land Adjustment Analysis

Joe explained this was recommended by our borough planner. This will prepare us for the fourth round of COAH. This will be paid through our housing fund account.

Mayor Ghassali would like to schedule a Town Hall meeting at the senior center for some time in March.

Boro Clerk mentioned that the County Board of Elections is offering to come and show a demonstration on how to use the new voting machine. Councilmembers agreed to set up a date.

COMMUNICATION CORRESPONDENCE:

None

MEETING OPEN TO THE PUBLIC:

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

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

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

A person from Paramus who owns a pet store stated that she is opposed to the pet store ban. Her store is inspected by Tyco and her animals are healthy.

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

ADJOURNMENT:

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

Meeting adjourned at 8:15pm

Regular Meeting of the Mayor & Council will be held on Thursday, March 14, 2024 at 7:30pm

Respectfully submitted, Frances Scordo, Municipal Clerk