

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held in Council Chambers and called to order at 7:31PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Master Sargent Deiter Koelling led the Pledge of Allegiance to the Flag, and roll call was taken.

OPEN PUBLIC MEETING STATEMENT

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

Also Present: Borough Attorney, Dave Lafferty; Administrator, Joe Voytus; and Municipal Clerk, Fran Scordo

ROLL CALL:

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

POLICE CHIEF, Doug McDowell - Quarterly Update

Tubing event at CampGaw with Hillsdale and Woodcliff Lake PD, raised \$2,000, which was donated to the family of Jessica Randone; bowling with a cop raised \$2,700 for Special Olympics and dedicated the money in the name of Joe McNeice; Memorial School lunch with MEF, auction, the winner and 5 friends got to spend time with the officers, had a tour of headquarters, ask questions and lunch. Next event will be Books and Badges, 5 officers will read books to kindergarten and first graders, the PD donated 300 books that the students can keep. This quarter 1,401 summons were issued and 144 warnings issued. Received 100 hours of distracted driver grant enforcement; traffic issues send email to traffic@montvaleboro.org 54 arrests were made this quarter;

ORDINANCES:

PUBLIC HEARING OF ORDINANCE NO. 2024-1553 AN ORDINANCE OF THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE CHAPTER 400 “ZONING”, ARTICLE VIII “OFF-STREET PARKING AND LOADING” TO AUTHORIZE AND ENCOURAGE ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) AND MAKE-READY PARKING SPACES

WHEREAS, supporting the transition to electric vehicles contributes to the Borough of Montvale’s commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

WHEREAS, the Borough of Montvale encourages increased installation of EVSE and Make-Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey’s goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to New Jersey’s 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS, the Borough of Montvale encourages greater ownership and use of electric vehicles, thus the Borough of Montvale is amending the Zoning Ordinance to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey as follows:

SECTION 1. The Borough Code, Chapter 400 “Zoning,” Article VIII “Off-Street Parking and Loading,” Section §400-61 “(Reserved),” shall be deleted in its entirety and replaced with the following text:

§400-61 Electric Vehicle Supply/Service Equipment.

A. Purpose.

The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State’s transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

- (1) Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
- (2) Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
- (3) Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
- (4) Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

B. Definitions.

CERTIFICATE OF OCCUPANCY

The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act, and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (N.J.S.A. 52:27D-119 et seq.) and regulations adopted pursuant thereto.

CHARGING LEVEL

The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

- 1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
- 2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.

3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

ELECTRIC VEHICLE

Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT OR EVSE

The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

MAKE-READY PARKING SPACE

Means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (N.J.S.A. 48:25-1 et al.).

PRIVATE EVSE

EVSE that has restricted access to specific users (e.g., single- and two-family homes, executive parking fleet parking with no access to the general public).

PUBLICALLY-ACCESSIBLE EVSE

EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

C. Approvals and Permits.

- (1) A zoning permit application submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to N.J.S.A. 40:55D-70.

- (2) EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in (1) above.
- (3) All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
- (4) The zoning officer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of the Borough of Montvale's land use regulations.
- (5) An application for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to N.J.S.A. 40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:
 - (a) The proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
 - (b) All other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
 - (c) The proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (N.J.S.A. 52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
- (6) An EVSE parking space application pursuant to Section (5) above shall be deemed complete if:
 - (a) the application, including the permit fee and all necessary documentation, is determined to be complete
 - (b) a notice of incompleteness is not provided within 20 days after the filing of the application, or
- (7) a one-time written correction notice is not issued by the zoning officer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
- (8) A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

D. Requirements for New Installation of EVSE and Make-Ready Parking Spaces.

- (1) As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
 - (a) prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
 - (b) within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
 - (c) within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
 - (d) Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - (e) Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- (2) As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in (1) above shall:
 - (a) Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
 - (b) Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
 - (c) Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
 - (d) Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
 - (e) Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
 - (f) In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
 - (g) Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
 - (h) Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be

required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

E. Minimum Parking Requirements.

- (1) All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to the requirements of the zoning district in which they are located.
- (2) A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
- (3) All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
- (4) Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged, but shall not be required in development projects.

F. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces

- (1) Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.
 - (a) EVSE and Make-Ready parking spaces shall comply with the setback requirements applicable to off-street parking areas for the zoning district in which they are located.
 - (b) All EVSE and Make-Ready parking spaces within parking garages or enclosed parking structures shall be located within 50 feet of the vehicular entrance to the garage or structure. In addition, all such buildings shall have at least one (1) car fire blanket for use on electric vehicle fires located at the entrance to such garage or parking structure.
 - (c) Where practically feasible, EVSE and Make-Ready parking spaces shall be located a minimum of 50 feet from any wood-frame building or other structure made of combustible material.
- (2) Installation:
 - (a) Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
 - (b) Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
 - (c) To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general

accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

- (d) Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

(3) EVSE Parking:

- (a) Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE while parked in such spaces. Property owners shall propose a reasonable plan or technological solution to ensure compliance with this requirement.
- (b) Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- (c) Public Parking. Pursuant to N.J.S.A. 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space, or any electric vehicle parked and not connected to the EVSE shall be subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of this Code. Signage indicating the penalties for violations shall comply with Section (5) below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.
- (d) Private Parking. The use of EVSE shall be monitored by the property owner or designee.

(4) Safety

- (a) Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by painted lines, a painted charging pictograph symbol, and appropriate signage pursuant to Section (5) below.
- (b) Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
- (c) EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in (d) below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- (d) Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance

above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.

- (e) Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- (f) Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, the Borough of Montvale shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

(5) Signs

- (a) Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
- (b) All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- (c) Wayfinding or directional signs shall not be permitted.
- (d) In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
 - [1] Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
 - [2] Usage fees and parking fees, if applicable; and
 - [3] Contact information (telephone number) for reporting when the equipment is not operating or other problems.

(6) Usage Fees

- (a) For publicly-accessible municipal EVSE: In addition to any parking fees, the fee to use parking spaces within the municipality identified as EVSE spaces shall be established by resolution for each hour or kWh that the electric vehicle is connected to the EVSE.
- (b) This fee may be amended by a resolution adopted by the governing body.
- (c) Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance

(d) with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 3. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

SECTION 4. This Ordinance shall take effect upon final publication as provided by law.

*A motion Introduced for second reading **Ordinance No. 2024-1553** by Councilmember Koelling; seconded by Councilmember Lane; Clerk read by title only.
Borough administrator stated in light of the Planning Board’s comments and recommendations, it would be best to withdraw this ordinance and re-do the ordinance.
A motion to table the ordinance by Councilmember Koelling; seconded by Councilmember Lane - all ayes*

PUBLIC HEARING OF ORDINANCE NO. 2024-1554 CALENDAR YEAR 2024 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% or the cost of living adjustment, whichever is less, unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, the cost of living adjustment for calendar year 2024 budgets is calculated at 2.5% pursuant to N.J.S.A. 40A:4-45.2 and amounts to \$332,930; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing Body of the Borough of Montvale in the County of Bergen finds it’s advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Governing Body hereby determines that an additional 1.0% increase in the budget of said year, amounting to \$133,172 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Montvale, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2024 budget year, the final appropriations of the Borough of Montvale shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$466,102, and that the 2024 municipal budget for the Borough of Montvale be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,
BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

*A motion Introduced for second reading **Ordinance No. 2024-1554** by Councilmember Koelling ; seconded by Councilmember Lane; Clerk read by title only.
Motion to open meeting to public by Councilmember Lane; seconded by Councilmember Koelling - all ayes
No Public Comment
Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Koelling - all ayes
Motion to adopt on Second and Final Reading in The Bergen Record by Councilmember Lane; seconded by Councilmember Koelling; Clerk read by title only - All ayes on a roll call vote*

MEETING OPEN TO PUBLIC:

Agenda Items Only
*Motion to open meeting to the public by Councilmember Koelling; seconded by Councilmember Lane – all ayes
No Public Comment
Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Koelling – all ayes*

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

March 20, 2024 – Informal Town Hall Meeting

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

March 26, 2024

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

CLOSED/EXECUTIVE MINUTES:

March 14, 2024

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

89-2024 A Resolution Extending the Contract with Bergen Brookside Towing for the Designation as Official Police Towing Service

WHEREAS, the Borough of Montvale has a need to designate an official police towing service for the Borough of Montvale; and

WHEREAS, consistent with the New Jersey *Local Public Contract Law, N.J.S.A. 40A:11-1*, et seq., the Borough of Montvale did previously award a contract to Bergen Brookside Towing Corp. (“Brookside”) in April of 2022, after a public solicitation; and

WHEREAS, pursuant to the terms of the Contract and N.J.S.A. 40A:11-15, the Borough and Brookside are entitled to and desire to extend the Contract for an additional two (2) years; and

WHEREAS, the Borough has determined that Brookside has been performing its services in an effective and efficient manner; and

WHEREAS, the fees in the Contract with Brookside shall remain the same for this two-year extension; and

WHEREAS, all other terms and conditions of the Contract shall remain the same.

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

1. Duration

The duration of the Contract with Brookside shall be extended by mutual agreement of the parties for two (2) additional years, or until April 30, 2026.

2. Compensation

The fees to be charged shall remain the same as set forth in the parties’ original agreement.

3. Other Provisions

All other provisions of the Agreement shall remain the same.

4. Authorization

The Mayor and Borough Clerk are hereby directed, authorized and empowered to execute all documents necessary to effectuate the provisions and purposes of this Resolution, subject to approval as to form by the Borough Attorney.

90-2024 Temporary Emergency Appropriations For Operating Purposes

WHEREAS, *N.J.S.A. 40A:4-20* provides that, in addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the governing body may make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for the current fiscal year and the date of the adoption of the budget for the current fiscal year; and

WHEREAS, the amount of such emergency temporary appropriations shall be included under corresponding headings in the budget as adopted or, if such appropriations are adopted after the introduction and approval of the budget and were not included in the budget as approved such appropriations shall be included by amendment in the budget as adopted without public advertisement or public hearing; and

WHEREAS, the Township has deemed certain emergency temporary appropriations to be necessary and such appropriations are conforming to the provisions of *N.J.S.A. 40A:4-20*.

NOW, THEREFORE, BE IT RESOLVED that pursuant to *N.J.S.A. 40A:4-20* an emergency temporary appropriation be and the same is hereby made for:

Current Fund: \$ 1,800,000

BE IT FURTHER RESOLVED the said emergency temporary appropriations will be provided for in the 2024 Budget under the title of same.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby directed to file a certified copy of the resolution with the Director of the Division of Local Government Services.

91-2024 A Resolution Awarding a Contract to Nielson of Morristown Pursuant to State Contract #23-FLEET-34934 for the Purchase of a 2023 Dodge Charger (LDEE48) Police AWD

WHEREAS, the Borough of Montvale has a need to acquire a 2023 Dodge Charger (LDEE48) Police AWD for use by the Montvale Police Department to replace a police vehicle recently totaled in an accident; and

WHEREAS, the Borough has determined that the most convenient and cost-effective way to procure said vehicle is by State Contract pursuant to N.J.S.A. 40A:11-12a, and the Borough may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough did solicit a quote from Nielson of Morristown pursuant to State Contract #23-FLEET-34934 for said vehicle in the total amount of \$42,628.25; and

WHEREAS, this Dodge Charger shall be partly funded by \$19,775.00 in proceeds directly paid by the Joint Insurance Fund as a result of the totaling of the other police vehicle; and

WHEREAS, the balance due from the Borough shall be \$22,853.25; and

WHEREAS, the Borough is desirous of awarding this contract and purchasing said vehicle from Nielson of Morristown pursuant to the January 4, 20224 Quote, a copy of which is attached hereto; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds have been appropriated and are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Montvale hereby accepts the January 4, 2024 Quote from Nielson of Morristown, 200 Ridgedale Avenue, Morristown, New Jersey 07960, for the aforementioned vehicle and directs, authorizes and empowers all appropriate officials to execute an agreement and/or purchase order for this contract, subject to all the conditions applicable to State Contract #23-FLEET-34934 and subject to approval by the Borough Attorney.

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

BILLS: Administrator read the Bill Report.

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

REPORT OF REVENUE: Administrator read the Report of Revenue – March

COMMITTEE REPORTS:

Councilmember Koelling

Police

Monthly report included in original minutes;

Planning Board

DePiero sub-division was passed; reviewed the EV ordinance and submitted comments and recommendations to Mayor and Council for consideration.

Councilmember Lane

Fire Dept

26 calls, 2 drills; held another fundraiser for their 100-year anniversary celebration with Dueling Pianos at the firehouse

Finance

April 30 is the public hearing and budget presentation

Council President Roche

Special Events/Recreation

Town-wide garage sale with a small participation fee; bringing back the fishing tournament to be held on June 8th

Chamber of Commerce

Street Fair will be on June 9th from 10-5

Environmental Commission

April 20 is clean up day

Councilmember Russo-Vogelsang

No Report

ENGINEER'S REPORT:

No Report

ATTORNEY'S REPORT: David Lafferty, Esq.

No report

ADMINISTRATOR'S REPORT: Joe Voytus

New "Welcome to Montvale" signs should be up throughout the town; Hometown Heros banners, we have 57, should be ready by Memorial Day; looking into Bergen County Park Improvement Grant for Flag field at Memorial

UNFINISHED BUSINESS:

None

NEW BUSINESS:

- a. Discussion – Environmental Commission Letterhead

Councilmembers agreed on the letterhead

- b. Discussion – OR District Sign Ordinance Recommended Modifications

Councilmembers agreed

- c. Discussion - Police Chief - Parking on Akers & Ellsworth – April 27

Chief McDowell stated he received a request to allow parking on Akers and Ellsworth for a family gathering, the Chief wasn't sure of the protocol; the BA suggested with council agreement to have the Chief ok these requests in the future, councilmembers all agreed.

COMMUNICATION CORRESPONDENCE:

None

MEETING OPEN TO THE PUBLIC:

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

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

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

Samir Dema from Norwood

Owns property at 55 Montvale Ave, received a violation regarding bamboo; 6 years ago, they allowed the borough to go on property to remove the bamboo. What happened??? Why are we receiving a violation? The BA stated he will discuss with property owner after the meeting.

Cythina Arnold, 34 Spring Valley Road

Commended Fran Scordo for going above and beyond to help out our seniors

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

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

Meeting was adjourned at 8:18 pm

Regular Workshop Meeting of the Mayor & Council to be held at 7:30pm on April 30, 2024
Public Hearing and Adoption of Municipal Budget to be held on April 30, 2024 at 7:30pm

Respectfully submitted, Frances Scordo, Municipal Clerk