

**WORK SESSION
MINUTES**

The Work Session Meeting of the Mayor and Council was in the Council Chambers and called to order at 7:33pm. 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
Councilmember Cudequest
Councilmember Koelling

Councilmember Lane
Councilmember Roche
Councilmember Russo-Vogelsang

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

ORDINANCES:

PUBLIC HEARING OF ORDINANCE NO. 2024-1556 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 ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) AND MAKE-READY PARKING SPACES

WHEREAS, adoption of this ordinance is consistent with 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.

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.

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.

- (2)
 - (a) 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.
- (3) 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 75 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.
- (e) The EVSE and Make-Ready parking spaces required in Subsection E, above, shall be monitored and enforced by the Borough’s Zoning Official.

(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.
 - (e) Overnight parking at EVSE spaces located on nonresidential properties (excluding Borough-owned property) shall not be allowed. The owner/operator of the EVSE shall implement restrictions that prohibit charging between the hours of 11:00 p.m. and 5:00 a.m.
 - (f) All EVSE equipment shall clearly indicate upon a visual inspection whether the vehicle present is actually being charged. If the vehicle is not being actively charged, it must be readily-apparent upon a visual inspection when the vehicle's active charging concluded.
- (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. 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.
- (e) Neon signs and exterior lighting of EVSEs shall not be allowed. Lighting for the EVSE and its user interface, including but not limited to buttons and touch screens, shall be no brighter than necessary to allow safe operation by the user. All signage must comply with Chapter 250 of the Borough Code, entitled "Lighting."

(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

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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 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. 2024-1556** 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 Lane - 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

PUBLIC HEARING OF ORDINANCE NO. 2024-1558 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 IX “Signs” TO AMEND REGULATIONS RELATED TO signS in the OR-1, OR-2, OR-3, and OR-4 Zoning Districts

WHEREAS, the Borough of Montvale is desirous of allowing greater flexibility for non-residential tenants and owners to have exterior signage in the OR-1, OR-2, OR-3, and OR-4 Districts; and **WHEREAS**, On March 19, 2024, the Site Plan Review Committee discussed potential changes to Section 400-67 of the Borough Code and provided recommended Ordinance changes to the Borough Administrator; and

WHEREAS, the Borough Council accepts the recommendations of the Site Plan Review Committee and wishes to enhance signage opportunities in the OR-1, OR-2, OR-3, and OR-4 Districts.

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 IX “Signs,” Section §400-67 “Signs in nonresidential districts,” shall be amended to add the following underlined text and delete the following text in ~~strikeout~~:

- A. In the instance of any use permitted in any nonresidential zoning district, there shall be permitted the location of one sign to be erected on any parcel or lot on which there is a building, which sign may be freestanding or affixed to said structure as hereinafter provided.

- (2) Freestanding signs in the OR-1, OR-2, OR-3, and OR-4 Zoning Districts shall be subject to the following regulations: Any freestanding sign in the OR-1, OR-2, OR-3 and OR-4 Zoning Districts, which sign may be two-sided, shall not be located more than 2 1/2 feet above the lowest grade elevation below it. The height of the sign shall not exceed six feet, nor shall its width exceed 12 linear feet. The maximum area of any such sign shall not exceed 32 square feet.
- (a) Any freestanding sign, which sign may be two-sided, shall not be located more than 2 1/2 feet above the lowest grade elevation below it. The height of the sign shall not exceed six feet, nor shall its width exceed 12 linear feet. The maximum area of any such sign shall not exceed 32 square feet, which shall be calculated exclusive of the base.
- (b) A second freestanding sign shall be permitted on a site which has either two or more driveways separated by a distance of at least 300 feet along a single public right-of-way or on a site located on the corner of two intersecting public rights-of-way and has one access driveway on each public right-of-way. The second freestanding sign shall be a maximum of 32 square feet, which shall be calculated exclusive of the base..
- (c) The street address number of a site may be added to a freestanding sign, provided that the number height shall not exceed four inches and an additional two square feet of sign area shall be permitted to accommodate the street address number.
- (d) No freestanding sign shall have more than four colors, black and white shall be considered colors. Components of a freestanding sign subject to this color limitation include its background, frame, and decorative parts.

SECTION 2. The Borough Code, Chapter 400 "Zoning," Article IX "Signs," Section §400-70 "General regulations for signs," shall be amended to add the following underlined text and delete the following text in ~~strikeout~~:

- G. No directories or listings of occupants and users within a building shall be permitted on any freestanding sign; provided, however, that in the instance of such freestanding signs being located within the OR-1, OR-2, OR-3 and OR-4 Districts on properties being used for the purposes allowed in said districts ~~and on which property there is located a single principal structure of at least 55,000 square feet, the name of up to four tenants any tenant occupying 40% or more of the gross floor area~~ of the principal building may be displayed on said freestanding sign.
- J. No sign, except for freestanding signs in the OR-1, OR-2, OR-3, and OR-4 Zoning Districts, shall have more than two colors, inclusive of its background, frame and decorative parts. For the purposes of this chapter, black and white shall be considered colors. Notwithstanding anything herein to the contrary, in such instance where black or white shall be used in the formation of a sign as aforesaid, then in such instance either of such may be used as a third color. The allowance of a third color is intended as a vehicle to encourage creativity in the arrangement of a sign, which expression is not dissonant with other signage in the area

and does not exceed the limits necessary to afford a reasonable identity to the use for which the sign is intended.

- ~~L.~~ No sign shall be illuminated externally by more than one floodlight per surface of said sign.
- LM. No sign shall contain any letter, word, name, number, model, insignia, emblem, message or representation that is composed of gas-filled tubes.
- MN. No sign shall be illuminated by a light source which is partially visible from any place other than on the premises where the sign is located, nor shall any light source, either internal or external to the sign itself, exceed 0.5 footcandle in intensity when measured at any point on the property line of the premises upon which the sign is located.
- NO. No sign shall be artificially illuminated after 11:00 p.m. or before 7:00 a.m., unless said premises are occupied and attended.
- OP. No sign shall be placed or located or displayed upon any sidewalk or area between sidewalk and curb, nor shall any sign project on or over a sidewalk.
- PQ. No freestanding sign shall be located less than 10 feet from any property boundary line; provided, further, that such sign shall be constructed at a location so as not to obscure the line of sight at intersections or points of access to the premises being served or adjacent premises, as determined in the reasonable judgment of the enforcing official or approving authority and as otherwise may be prescribed by local, county or state regulations.
- QR. Freestanding signs shall be supported by such means as are capable of preventing injury.
- RS. A sign affixed to a building wall shall be securely affixed, and where the surface of the same shall extend more than 3 1/2 inches from the face of said wall, said sign shall not be located less than 10 feet above the average ground elevation below.
- ST. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
- TU. No sign or other advertising structure shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, cause an optical illusion or be confused with any authorized traffic sign, signal or device or which makes use of words, phrases, symbols or characters in such manner as to interfere with, mislead or confuse traffic.
- UV. All signs shall be constructed in accordance with the requirements of the Uniform Construction Code and such other requirements that may be adopted therein by reference.
- VW. The enforcing official shall require the proper maintenance of all signs and shall inspect every sign for which a permit is issued within 30 days after it is erected. All signs, together with all of their supports, shall be kept in repair and in a proper state of preservation. The display surfaces

of all signs shall be kept neatly painted or posted at all times. The enforcing official may order the removal of any sign that is not maintained in accordance with the provisions of this chapter.

WX. Unless specifically approved by the governing body in accordance with this chapter or placed by the Borough itself for a public purpose, no sign shall be permitted to be placed on any public property, publicly owned property or within any public right-of-way.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 4. 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 5. This Ordinance shall take effect upon final publication as provided by law.

*A motion Introduced for second reading **Ordinance No. 2024-1558** 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 Cudequest - 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 Cudequest; Clerk read by title only - All ayes on a roll call vote

MINUTES:

June 13, 2024

A motion to accept the minutes by Councilmember Lane; seconded by Councilmember - all ayes with the exception of Councilmembers Arendacs, Lane and Russo-Vogelsang abstaining

CLOSED SESSION MINUTES:

None

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.

136-2024 RE: Resolution Approving Liquor License Renewals - July 1, 2024 Through June 30, 2025

WHEREAS, the following liquor license holder has submitted their renewal application through the POSSE ABC portal and paid the required fee as directed by the Division of Alcoholic Beverage Control; and

WHEREAS, the following liquor license holder has paid the municipal fee and a Tax Clearance Certificate has been received; and

WHEREAS, the applicant is qualified to be licensed per the standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, and pertinent Borough Ordinances.

NOW THEREFORE BE IT RESOLVED that the Mayor & Council of the Borough of Montvale hereby authorizes the renewal of the following liquor licenses for the period of July 1, 2024 through June 30, 2025.

BE IT FURTHER REOLVED that the Municipal Clerk is hereby authorized to issue a liquor license as follows:

0236-33-005-008 - The Waterfall, Inc., t/a Hearth & Tap for the premises at 125 N. Kinderkamack Road, Montvale, NJ

0236-33-007-004 - TPC, Inc., t/a Davey's Locker, for premises at 5 Park Street, Montvale, NJ

137-2024 Resolution Authorizing the Return of CDBG Funds No Longer Needed for their Intended Purpose

WHEREAS, in or around 1997, the Borough of Montvale did enter into a contract with the County of Bergen for the purpose of the County Providing \$300,000 in Community Development Block Grant funding to the Borough for the acquisition of certain real property known as Block 1601, Lot 21 (the "Property") to be developed for a 100% senior affordable housing development; and

WHEREAS, the conditions of said grant required the eventual donation of the Property to be acquired to a developer to effectuate the purposes of the grant; and

WHEREAS, said funds have been sitting unused in an account of the Borough since their receipt from the County; and

WHEREAS, after being frustrated for many years by ever-changing State regulations, the Borough did eventually sell the Property to Regan Development Corporation for the sum of \$500,000 to be developed for a mix of special needs and unrestricted affordable housing units; and

WHEREAS, as a result of the Borough's sale of the Property at a substantial profit and the change in the unit types developed on the site, it is necessary to return the CDBG funds to the County.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Montvale does authorize the return of the sum of \$300,000 in CDBG funding to the County of Bergen in accordance with the terms of the original Grant Agreement.

138-2024 Resolution Awarding a Professional Service Contract for the Position of Municipal Prosecutor for the Pascack Joint Municipal Court to the Law Offices of Geoffrey D. Mueller

WHEREAS, the Pascack Joint Municipal Court has a need to contract with a licensed attorney or firm to serve as the Municipal Prosecutor pursuant to N.J.S.A 28:24-1, et seq. for the period July 1, 2024, through December 31, 2024, and until his or her successor is appointed; and

WHEREAS, the Pascack Joint Municipal Court Committee agreed to acquire these services through a fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, after public notice and advertisement, five (5) qualification statements were received by the Borough of Montvale on behalf of the Pascack Joint Municipal Court; and

WHEREAS, after review by the three participating municipalities, it is the desire of the Pascack Joint Municipal Court Committee to appoint the Law Offices of Geoffrey D. Mueller as Municipal Prosecutor, with Geoffrey D. Mueller, Esq. as the primary Municipal Prosecutor; and

WHEREAS, the compensation of the Municipal Prosecutor shall be \$40,000 per year, pro-rated from July 1, 2024; and

WHEREAS, said compensation shall be included as part of the Operational Costs for the Pascack Joint Municipal Court as per the agreement between the participating municipalities; and

WHEREAS, the term of this contract shall commence as of July 1, 2024, and shall continue through December 31, 2024, and until a successor is appointed; and

WHEREAS, the Certified Municipal Finance Officer has certified the availability of funds for this appointment; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that notice of the adoption of the Resolution authorizing the award of contracts for professional services must be published, and the resulting contract must be available for public inspection.

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

1. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law, because the services are to be performed by a person authorized by law to practice a recognized profession.
2. The Contract, including the terms of compensation for each professional, shall be placed on file with this resolution.
3. Notice of this action shall be printed once in the official newspaper of the Borough.

139-2024 A Resolution Authorizing a Contract with Yorktel for the Purchase of Twenty Modules for the GovPilot Municipal Management Computer Software Via State Cooperative Contract T3121 20-TELE-01509

WHEREAS, pursuant to N.J.S.A. 40A:11-12a and N.J.C.A. 5:34-7.29(c), 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 Treasury; and

WHEREAS, the Borough of Montvale has the need to procure ten (10) additional modules of the GovPilot Municipal Management Computer Software using New Jersey State Contract Number T3121 20-TELE-01509, from re-seller Yorktel World Headquarters, 81 Corbett Way, Eatontown, NJ 07724; and

WHEREAS, Yorktel has submitted Quote # 176541 in the amount of \$60,600.00 annually, for a total of twenty (20) modules; and

WHEREAS, the Borough already utilizes GovPilot software for a variety of uses, including business registrations, OPRA requests, pet registrations, fire prevention, work orders, and reporting concerns from the public; and

WHEREAS, the additional ten (10) modules will allow for the online submission of applications for construction permits, planning board approvals, and use permits, among other things; and

WHEREAS, the additional functionality will also offer the public the ability to access planning board application materials, and to see the status of permits, without the need to submit OPRA requests or physically inspect same at Borough Hall, increasing transparency and convenience for the public; 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, as follows:

The Borough of Montvale does approve Quote #176541 from Yorktel for the purchase of GovPilot Municipal Management Computer Software in the amount of \$60,600.00 annually.

The Mayor, Borough Clerk and/or Borough Administrator are hereby directed, authorized and empowered to execute an agreement with Yorktel and/or GovPilot, consistent with this resolution.

This resolution shall take effect immediately.

140-2024 A Resolution Approving the Submission of a Grant Application and the Execution of a Grant Agreement with the New Jersey Department of Transportation for the Paragon Drive Resurfacing Project

BE IT RESOLVED that the Mayor and Council of the Borough of Montvale formally approve the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor, Borough Engineer, Borough Administrator and/or Borough Clerk are hereby directed, authorized and empowered to submit an electronic grant application for the Paragon Drive Resurfacing Project to the New Jersey Department of Transportation on behalf of the Borough of Montvale; and

BE IT FURTHER RESOLVED that the Mayor, Borough Administrator and/or Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Montvale and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

BILLS: Administrator read the Bill Report

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

ATTORNEY REPORT:

David Lafferty, Esq.

Report/Update

No Report

ADMINISTRATOR REPORT:

Joe Voytus

Report/Update

No Report

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

COMMUNICATION CORRESPONDENCE:

None

MEETING OPEN TO THE PUBLIC:

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

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

A motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Russo-Vogelsang – all ayes

No Public Comment

A motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Russo-Vogelsang – all ayes

ADJOURNMENT:

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

Meeting adjourned at 7:39pm

Respectfully submitted, Frances Scordo, Municipal Clerk