

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held in Council Chambers and called to order at 7:33PM. Adequate notification was published in the official newspaper of the Borough of Montvale. 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: Mayor Ghassali, Borough Attorney, Dave Lafferty; Administrator, Joe Voytus; and Municipal Clerk, Fran Scordo

ROLL CALL:

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

ORDINANCES:

INTRODUCTION OF ORDINANCE NO. 2024-1559 AN ORDINANCE OF THE BOROUGH OF MONTVALE APROPRIATING FUNDS FOR MAJOR VEHICLE REPAIRS AND REHABILITATION AND APPROPRIATING FUNDS FOR SAID PURPOSE
(public hearing 9-12-24)

A motion to Introduce Ordinance 2024-1559 for first reading was made by Councilmember Cudequest; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Bergen Record; seconded by Councilmember Roche - a roll call was taken – all ayes

MEETING OPEN TO PUBLIC:

Agenda Items Only
Motion to open meeting to the 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

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

July 11, 2024

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

July 26, 2024 – Special Zoom Meeting

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

CLOSED/EXECUTIVE MINUTES:

July 11, 2024

A motion to accept closed minutes by Councilmember Lane; seconded by Councilmember Koelling – all ayes with exception of Councilmembers Arendacs, Cudequest and Roche abstaining

July 26, 2024 – Special Zoom Meeting

A motion to accept closed minutes by Councilmember Cudequest; 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.

148-2024 A Resolution Approving a Developer’s Agreement with Rockland Electric Company Premises Identified as Block 703, Lot 6 in the Borough of Montvale

WHEREAS, Rockland Electric Company (“Developer”) owner of the premises known as Block 703, Lot 6 made an application to the Planning Board for site plan approval; and

WHEREAS, the Planning Board approved the Development by resolution dated August 1, 2023; and

WHEREAS, pursuant thereto, the Borough, Planning Board and Developer are desirous of executing a Developer’s Agreement setting forth the parties’ respective rights and obligations concerning said approval; and

WHEREAS, a Developer’s Agreement has been negotiated by and between the parties and has been executed by the Developer and the Chairman of the Planning Board.

NOW, THEREFORE, BE IT RESOLVED that the Developer’s Agreement dated August 8, 2024 between the Borough of Montvale, the Planning Board of the Borough of Montvale, and Rockland Electric Company is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute the Developer’s Agreement with the Developer and to take all other steps reasonably necessary to effectuate the provisions and purposes of this resolution.

149-2024 2024-2026 County of Bergen Municipal Snow Plow Agreement

BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the appropriate municipal officials be and are hereby authorized to execute the attached two-year consecutive snow seasons agreement to participate in the 2024-2026 County Snow Plowing Program.

BE IT FURTHER RESOLVED, that the Borough of Montvale shall use the Pascack Valley Department of Public Works and/or contractor to perform the snow/ice pushing and removal control operations on all roads and streets located within the Borough of Montvale.

150-2024 A Resolution Awarding a Contract to Cliffside Body Corporation for One Stainless Steel Hydraulic VBox Salt Spreader and Related Equipment Pursuant to ESCNJ Contract 23/24-04

WHEREAS, the Borough of Montvale has a need to acquire one Stainless Steel Hydraulic VBox Salt Spreader and related equipment for use by the Pascack Valley Department of Public Works, consistent with the Shared Services Agreement between Montvale and River Vale; and

WHEREAS, the Borough did solicit a proposal from Cliffside Body Corporation pursuant to ESCNJ Contract 23/24-04; and

WHEREAS, Cliffside did submit a proposal dated July 15, 2024, in the total amount of \$19,284.00; and

WHEREAS, pursuant to Section 11 of the Local Public Contracts Law, N.J.S.A. 40A:11-11, the Borough is a member of a cooperative pricing system for the provision of goods and services with the Educational Services Commission of New Jersey (“ESC NJ”), formerly known as the Middlesex County Educational Services Commission; and

WHEREAS, the Borough is desirous of entering into a contract through ESCNJ with Cliffside for this equipment as set forth in the July 15, 2024 proposal attached hereto and incorporated herein by reference; and

WHEREAS, any and all contracts entered into pursuant to this resolution shall remain subject to review and approval as to form by the Borough Attorney; and

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

NOW, THEREFORE, BE IT RESOLVED that the Borough of Montvale does hereby award the above-referenced contract pursuant to ESCNJ Contract 23/24-04, as follows:

Vendor	Contract Amount
Cliffside Body Corporation 130 Broad Avenue Fairview, New Jersey 07022	\$19,284.00

151-2024 A Resolution Awarding a Contract to Cliffside Body Corporation for One Steel Dump Body and Snow Plow and Related Equipment Pursuant to ESCNJ Contract 23/24-04

WHEREAS, the Borough of Montvale has a need to acquire one Steel Dump Body and Snow Plow and related equipment for use by the Pascack Valley Department of Public Works, consistent with the Shared Services Agreement between Montvale and River Vale; and

WHEREAS, the Borough did solicit a proposal from Cliffside Body Corporation pursuant to ESCNJ Contract 23/24-04; and

WHEREAS, Cliffside did submit a proposal dated July 15, 2024, in the total amount of \$66,304.00; and

WHEREAS, pursuant to Section 11 of the Local Public Contracts Law, N.J.S.A. 40A:11-11, the Borough is a member of a cooperative pricing system for the provision of goods and services with the Educational Services Commission of New Jersey (“ESC NJ”), formerly known as the Middlesex County Educational Services Commission; and

WHEREAS, the Borough is desirous of entering into a contract through ESCNJ with Cliffside for this equipment as set forth in the July 15, 2024 proposal attached hereto and incorporated herein by reference; and

WHEREAS, any and all contracts entered into pursuant to this resolution shall remain subject to review and approval as to form by the Borough Attorney; and

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

NOW, THEREFORE, BE IT RESOLVED that the Borough of Montvale does hereby award the above-referenced contract pursuant to ESCNJ Contract 23/24-04, as follows:

Vendor	Contract Amount
Cliffside Body Corporation 130 Broad Avenue Fairview, New Jersey 07022	\$66,304.00

152-2024 A Resolution Awarding a Contract to All American Ford of Paramus 2024 F-750 Diesel SuperCab Base and Related Equipment Pursuant to Bergen County Co-Op Contract BC-BID-24-43

WHEREAS, the Borough of Montvale has a need to acquire one 2024 F-750 Diesel SuperCab Base and related equipment for use by the Pascack Valley Department of Public Works, consistent with the Shared Services Agreement between Montvale and River Vale; and

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Borough of Montvale is a member of the Bergen County Co-Op; and

WHEREAS, the Borough did solicit a proposal from All American Ford of Paramus pursuant to Bergen County Co-Op Contract BC-BID-24-43; and

WHEREAS, All American did submit a proposal dated July 15, 2024, in the total amount of \$90,111.00; and

WHEREAS, the Borough is desirous of entering into a contract through the Bergen County Co-Op with All American for this vehicle and equipment as set forth in the July 15, 2024 proposal attached hereto and incorporated herein by reference; and

WHEREAS, any and all contracts entered into pursuant to this resolution shall remain subject to review and approval as to form by the Borough Attorney; and

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

NOW, THEREFORE, BE IT RESOLVED that the Borough of Montvale does hereby award the above-referenced contract pursuant to Bergen County Co-Op Contract BC-BID-24-43, as follows:

Vendor	Contract Amount
All American Ford of Paramus 375 Route 17 Paramus, New Jersey 07652	\$90,111.00

154-2024 Municipal Alliance Governor’s Council on Alcoholism & Drug Abuse Fiscal Grant

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Montvale, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Montvale, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Montvale Municipal Alliance grant for fiscal year 2025 in the amount of:

DEDR	\$ 3836.33
Cash Match	\$ 959.08
In-Kind	\$ 2877.25
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

155-2024 Resolution Of The Borough of Montvale Vigorously Opposing The Industrial Offshore Wind Project

WHEREAS, Governor Phil Murphy continues to push for approval of two massive offshore wind turbine projects at the Jersey Shore (Atlantic Shore Offshore Wind and Offshore Wind 1, LLC) spanning more than 100,000 acres of undeveloped ocean adjacent to and which will be starkly visible from the public’s beaches and coastline (collectively “Industrial Offshore Wind Project”); and

WHEREAS, New Jersey’s Energy Master Plan is the result of only the governor’s executive orders and not a policy debated, examine, approved

WHEREAS, the facts set forth as below establish that the proposed Industrial Offshore Wind Project on public property will industrialize the Atlantic Ocean and New Jersey Shore (“Shore”) in exchange for extreme electricity rate hikes, significant damage to the environment and marine life, the degradation of the Shore, significant job loss, devastation of the State’s fishing and tourism industries, millions in lost State tax revenue, and enormous financial cost to the State’s residents.

1. The Industrial Offshore Wind Project turbines include up to 300 massive wind turbine structures, each as high as the Eiffel Tower (1,000ft+) and almost as wide as tall (900ft+). The closest turbine structures will be located approximately 8.5 miles from the coast and clearly visible to residents and tourists who live or travel to the Shore for the environment, unspoiled views, and way of life. The turbines will be among the largest, tallest, and closest-to-a-coastline ever built. In 2006-08, when the areas were designated for offshore wind energy, proposed tower heights were approximately 200 to 400 feet, and rotor diameters were under 328 feet. By analogy, when the plan was hatched essentially 300 single-family houses were to be built at the Shore and it is now a proposal for a cityscape comprised of 300 immense and imposing skyscrapers.

2. An independent analysis concludes that the cost of the Industrial Offshore Wind Project will exceed \$100 billion and raise electric customer rates by 55% for residential customers, 70% for commercial customers, and 85% for industrial customers. For context, in 2024 wholesale power purchase prices are roughly \$55 dollars per megawatt-hour, whereas the Board of Public Utilities recently approved contracts for offshore wind with a price of \$144 per megawatt-hour. In addition, the costs associated with transmission upgrades to distribute the electricity are forecast to increase progressively from \$1 per megawatt-hour to roughly \$40 per megawatt-hour by 2047.

3. Studies establish that the Industrial Offshore Wind Project will convert a pristine public natural and economic resource into a mammoth industrial eyesore in exchange for a catastrophic loss in tourism revenue, jobs, and property values, and, therefore, will be a significant economic burden imposed upon all State residents. A 2024 study prepared by Tourism Economics, an Oxford Economics

Company (“Oxford Report”), establishes that the Offshore Wind Project will cause losses for the Long Beach Island municipalities of approximately 835,000 annual visitors, \$450.2 million in tourism spending, a total economic impact (loss) of \$668.2 million, and a total loss of State and local tax revenue of \$80.3 million. Studies further show at least 25% of beachgoers would switch beaches to avoid the visual blight caused by the Industrial Offshore Wind Project. Moreover, as admitted by the federal government, the fishing industry will be diminished by the resultant navigational hazards, habitat conversion, fish aggregation, migration disturbances, and space-use conflicts.

4. Studies establish that the testing, construction, and operation of the Industrial Offshore Wind Project, though sold as green energy, has and will significantly damage the environment. There is little doubt it has and will continue to negatively impact the behavior of marine fish and mammals, including causing confusion, compelling them to swim ashore, and preventing them from diving and feeding (since the start of sonar surveying and seismic testing an unprecedented number of marine mammals have washed ashore and died). There is also no question it will cause significant environmental and wildlife damage onshore.

5. Studies support the conclusion that the Industrial Offshore Wind Project will not reduce global warming or CO2 emissions. In fact, Harvard University found that the installation of scores of wind turbines in concentrated areas will actually raise surface temperature, especially in the immediate area of the turbines. The Harvard researchers concluded, “[t]he direct climate impacts of wind power

are instant, while the benefits of reduced emissions accumulate slowly. If your perspective is the next 10 years, wind power actually has – in some respects – more climate impact than coal or gas.” Further, the Oxford Report establishes that offshore wind energy production is the most expensive form of renewable energy produced on a large-scale.

6. The Industrial Offshore Wind Project fails to include any ongoing funding for the ultimate removal/decommissioning and/or replacement of the turbines, which means at the end of their useful life the companies could decline to remove them and either go out of business or file for bankruptcy. The State’s residents, therefore, will likely be forced to either live with over 200 decaying Eiffel Towers in their ocean off their Shore or pay the costs associated with removing them.

7. The sole conclusion is that the Industrial Offshore Wind Project is designed to be funded by all State residents and businesses, significantly higher electricity rates and significant loss of jobs and tax revenue, will cause environmental and wildlife devastation, will irreparably damage the tourism, fishing industries, and overall State economy in the form of higher overhead energy costs, will not produce actual green energy, and the State’s residents will be left to pay for the removal of or live with the massive, decaying turbines. Indeed, if it is built, the State’s residents will trade their priceless and pristine natural and hard-earned economic resources for a significantly higher cost of living and significantly lower quality of life and environment, and, incredibly, without the purported green energy benefits.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, and in accordance with the foregoing Recitals, which are incorporated herein by reference, that the Borough of Montvale vigorously supports legitimate green and renewable energy projects, but vigorously opposes the non-green Industrial Offshore Wind Project due to its real and present threat to the health, environmental, and financial health, welfare, and safety of all State residents.

BE IT FURTHER RESOLVED that the Borough of Montvale will petition the leaders in the state legislature to put a halt to all work on offshore wind projects and will ask the legislative leaders to empanel a body of lawmakers, energy experts, environmentalists and electric generation experts, consumers, fisherman and other stakeholders to develop a practical, effective, long-term energy plan for New Jersey’s future, and;

ALSO, BE IT FURTHER RESOLVED that the Borough of Montvale is encouraging all other **municipal and county** elected officials to examine the financial and environmental impact of the governor’s wind turbine plan and its impact on homeowners and businesses, and to call on the state legislature to put a halt to ALL offshore wind projects until such time as an energy panel, described above is formed and develops a practical, effective, long-term energy plan for New Jersey’s future.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Senate President Scutari, Assembly Speaker Coughlin, Senator Holly Schepisi, Assemblyman Robert Auth, Assemblyman John Azzariti, Jr., Governor Murphy, and the New Jersey League of Municipalities.

156-2024 Approval of Waiver of Interest for Pascack Valley Board of Education – Block 2102; Lot 18 - 201 W Grand Ave

WHEREAS, N.J.S.A. 54:4-3.3b. states where real property is acquired by the State or by a State agency, or by an authority created by the State, by purchase, condemnation or otherwise, such property shall become tax exempt on January 1 of the calendar year next following the date of acquisition, provided that the tax assessor of the municipality in which such property is located is given written notice of the acquisition by certified mail on or before January 10 of said calendar year next following; provided further that if real property is acquired between January 1 and January 10 inclusive and the prescribed notice is given on or before January 10, such real property shall become tax exempt as of the date of acquisition; and

WHEREAS, the Pascack Valley Board of Education did not notify the Tax Assessor within the timeframe, therefore is responsible for payment of current year 2024 property taxes; and

WHEREAS, Pascack Valley Board of Education did not pay the May installment which is now accruing interest; and

WHEREAS, in light of the miscommunication, the PV BOE is asking for the interest to be waived which is in the amount of \$124.82; and

THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale authorize the Tax Collector to waive interest in the amount of \$124.82

157-2024 A Resolution Authorizing Execution of a Memorandum of Understanding By and Between the State of New Jersey Office of Emergency Management and the Borough of Montvale

WHEREAS, the New Jersey Office of Emergency Management (“NJOEM”) periodically receives grant funding under the FEMA Public Assistance and/or Hazard Mitigation programs; and

WHEREAS, in order for the Borough of Montvale to be potentially eligible for such grant funding, it is necessary to enter into a Memorandum of Understanding with the State of New Jersey concerning same.

NOW, THEREFORE, BE IT RESOLVED that the Borough Administrator is hereby directed, authorized and empowered to execute the Memorandum of Understanding with the State of New Jersey concerning the NJOEM and FEMA grant funding.

158-2024 Authorize Proposal for Appraisal Services - McNerney & Associates, Inc. for 1 Paragon Drive, Block 1102; Lot 1

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

WHEREAS, the owner of real property located at 1 Paragon Drive and identified as Block 1102 Lot 1 (hereinafter the “Subject Property”) has filed a property tax appeal challenging the assessment of the Subject Property for the 2020, 2021, 2022, 2023 and 2024 tax years; and,

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

WHEREAS, the Borough had received a proposal dated June 19, 2024 from McNerney & Associates, Inc. (hereinafter the “Proposal”) to prepare the desired appraisal report for the total amount of \$7,500.00; and,

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

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

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that McNerney & Associates, Inc. is hereby appointed to prepare an appraisal report for the property located at 1 Paragon Drive, at Block 1102 Lot 1 in the Borough of Montvale, in accordance with the terms set forth in the attached Proposal for the 2020, 2021, 2022, 2023 and 2024 tax years.

159-2024 Certification Of The 2023 Annual Audit and Group Affidavit

WHEREAS, *N.J.S.A. 40A:5-4* requires the governing body of every local unit to have made an annual audit of its books, accounts, and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2023 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to *N.J.S.A. 40A:5-6*, and a copy has been received by each member of the governing body; and

WHEREAS, *R.S. 52:27BB-34* authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated *N.J.A.C. 5:30-6.5*, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled “Comments and Recommendations”, and

WHEREAS, the members of the governing body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to *N.J.A.C. 5:30-6.5*; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid, and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of *R.S. 52:27BB-52*, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Borough Council of the Borough of Montvale, in the County of Bergen, State of New Jersey, hereby states that it has complied with *N.J.A.C. 5:30-6.5* and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

160-2024 Approving The Corrective Action Plan For The 2023 Municipal Audit

WHEREAS, the Borough of Montvale has received a report of audit for the year ending December 31, 2023; and

WHEREAS, Local Finance Notice No. 92-15 dated July 8, 1992, requires that the Chief Financial Officer submit a Corrective Action Plan for all findings in the audit within 60 days of receipt of the Report of Audit; and

WHEREAS, the Chief Financial Officer has prepared a Corrective Action Plan relating to the findings of the 2023 Audit.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Montvale, in the County of Bergen, New Jersey, do hereby approve the Corrective Action Plan for the year 2023 as submitted by the Chief Financial Officer.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to forward a copy of this resolution and the Corrective Action Plan to the Director of the Division of Local Government Services.

Corrective Action Plan

Finding #1:

It is recommended that Chapter 159 special items of revenues and appropriations be recorded in the budget appropriations report.

Description:

Due to an oversight, several Chapter 159's approved by the Mayor & Council in September 2023 were not recorded in the budget appropriations report.

Corrective Action:

All Chapter 159 resolutions shall be recorded in the budget appropriations report and the General Ledger at the time that such approval is submitted through the online NJDCA FAST Portal. At year-end (12/31), verification shall occur that all Chapter 159s are recorded and charged off accordingly.

Responsible Party:

Chief Financial Officer

Implementation Date:

August 2024

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

153-2024 Resolution In Opposition To Proposed Legislation Bypassing Local Zoning For Home-Based Businesses

WHEREAS, A-2623, the "Home Based Jobs Creation Act," would permit a family home business to exist in a residential zone as an accessory use and not require a use variance pursuant to N.J.S.A. 40:55D-70; and

WHEREAS, this bill creates a loophole that allows certain home-based businesses, currently illegal under a municipality's zoning laws, to become legal and protected without municipal approvals ; and

WHEREAS, New Jersey's Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-1, et seq., gives municipalities the power to zone, and establishes the governmental and legal structure for municipal planning through a Municipal Planning Board and/or a Municipal Zoning Board, a public notice hearing procedure, an application process, and different types of variances for consideration; and

WHEREAS, municipalities give thoughtful consideration to planning and zoning to ensure mobility, safety, accessibility, order, and public good for the land in the community; and

WHEREAS, A-2623 would override any inconsistent local ordinance but then permits a municipality to adopt a later ordinance that could be the same as the original local ordinance that was overridden; and

WHEREAS, if a municipality presently prohibits, by ordinance, certain home occupations and such use is permitted by the legislation, upon re-adoption of the same ordinance, such use would be protected as a preexisting nonconforming use; and

WHEREAS, municipalities with no specific provision regarding home-based businesses or occupations, there is typically a provision in their ordinances which provides that no uses are permitted unless they are specifically permitted. In these cases, A-2623 would work to permit all home-based businesses or occupations, allowing the municipality to adopt a subsequent ordinance to restrict or prohibit those uses; and

WHEREAS, like the situation above, businesses currently illegal under the existing zoning law but legal according to A-2623 would benefit from preexisting nonconforming use status in the interim. In this situation, a home-based business currently illegal under a municipality's zoning law would, as a result of the loophole created by this bill, become legal, and no subsequent ordinance could change that; and

WHEREAS, Section 4 of A-2623 imposes upon residential use restrictions on the number of invitees or guests that apply to home-based businesses or occupations. The effect of such a provision would be to restrict social gatherings; Scout meetings; birthday parties; and all sorts of events which presently occur in residential homes if the municipality attempted to limit the number of business invitees or guests which could frequent the business in the residential zone. These normal residential activities should not be bound by the same regulations as business interests. We recommend delaying the implementation date so municipalities can enact ordinances for infrequent gatherings; and

WHEREAS, A-2623 was favorably reported out of the Assembly State and Local Government Committee and the Assembly in June 2024 and would undermine home rule in municipalities across New Jersey; and

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Borough of Montvale opposes this bill being advancing in the Senate as it undermines the careful local planning and zoning municipalities engage in; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Senator Holly Schepisi, Assemblyman Robert Auth, Assemblyman John Azzariti, Jr., Assembly Speaker Craig Coughlin, Senate President Nicholas Scutari, Governor Phil Murphy, and New Jersey State League of Municipalities.

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - a roll call was taken - all ayes - Councilmember Cudequest asked for an explanation, the Borough Administrator stated that this will allow anyone to have a business from home without zoning approval.

BILLS: Administrator read the Bill Report.

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

REPORT OF REVENUE: Administrator read the Report of Revenue for the month of July

COMMITTEE REPORTS:

Council President Roche

Special Events

Day in the Park is set for September 7 - 4-9PM (rain date September 8); looking for volunteers for Day in the Park; October 25 Halloween Carnival

Environmental Commission

RSI inventory is complete and, on our website; Troops 334, 33 and 933 are working on projects along the Memorial Trail; the committee is now providing site plan input for the Planning Board; ready to help with the community garden once DePiero's closes; working on the inlet of Huff Pond; 85 residents came out for Clean-Up day.

Councilmember Lane

Fire Dept

38 calls, 2 drills; 2 extra credits and 1 meeting; new purchase of John Deere Gator UTV; Al Figueroa passed his Hazmat Incident Commander class.

Councilmember Cudequest

Seniors and Board of Health do not meet in the summer months; next Board of Health meeting will be on September 3rd;

Library

Several new trees were planted in the reading garden; the seniors enjoyed their space at the library while the community center was closed during camp, they liked it so much they will continue to use the library space. 20% increase in the adult summer programs, the children's department exceeded 300 registrations; 50 new library cards issued in the month of July; Thursday, August 22nd will be a concert in the reading garden with the band Forever Young; in search for local artists that would like to display their artwork at the library.

Councilmember Koelling

Police

Monthly report included in original minutes; Touch a Truck will be held August 28 4-7PM

Councilmember Arendacs

DPW

Working hard in the extreme heat and keeping up with cleaning of the catch basins;

MAYOR’S REPORT:

Been meeting with mayors and councilmembers regarding the affordable housing; our attorney will be preparing a brief; more towns are expected to join; Excited to see the self-storage facility was approved; 9/11 ceremony will be at 7pm.

ENGINEER’S REPORT:

No Report

ATTORNEY’S REPORT: David Lafferty, Esq.

Approaching the closing date of the Deplero property, waiting on the results of the well water test; hoping to close end of August.

ADMINISTRATOR’S REPORT: Joe Voytus

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.

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

Sandy Chase – 25 Highland Road

She has an 18-inch pipe under her property and also a manhole on her front lawn; with this recent storm, the water was coming through the manhole like a geyser. Water should be going through the pipe, not shooting up. Borough Administrator stated they will schedule to video the pipe.

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

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

Meeting was adjourned at 8:04pm

Regular Workshop Meeting of the Mayor & Council to be held at 7:30pm on Thursday, September 12, 2024

Respectfully submitted, Frances Scordo, Municipal Clerk