

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held in Council Chambers and called to order at 7:32PM. 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 - arrived 7:39
Councilmember Koelling	Councilmember Russo-Vogelsang

EAGLE SCOUT PROJECT PRESENTATIONS:

Keira Luff – Upper Saddle River BSA Troop 933 - Bat Box and Huff Park Landscaping

Presentation included with minutes; a motion to approve the project by Councilmember Russo-Vogelsang; seconded by Councilmember Lane – all ayes

Hridank Shukla - Montvale BSA Troop 334 - Environmental Learning Center Trailhead & Website

Presentation included with minutes; a motion to approve the project by Councilmember Russo-Vogelsang; seconded by Councilmember Lane – all ayes. Councilmember Lane made a motion to have the Borough contribute up to \$200 for each project; seconded by Councilmember Cudequest – all ayes

POLICE CHIEF, Doug McDowell – Quarterly Report

Events from April 1 through August 31 are as follows: Pascack Hills drunk driving simulation course; Books and Badges, the police officers read books to kindergarten and first graders; spoke to 8th graders at Fieldstone about transitioning to high school; Jr. Police Academy will begin September through November for 7th-8th graders; Touch-a-Truck event was a big success; total summons issued year to date are 3,504 summons and 394 warnings; received distracted driving grant for 100 hours of enforcement for the month of April issuing 779 tickets and warnings; traffic complaints were reported on Woodland Road, Lark Lane, Main Street and Paragon Drive with several summons issued; traffic concerns should be emailed to traffic@montvaleboro.org; 103 arrests were made this quarter, 90 criminal complaints;

ORDINANCES:

PUBLIC HEARING 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

WHEREAS, Borough-owned vehicles often require unscheduled repairs for which sufficient funds have not been allocated in a particular budget year; and

WHEREAS, because such repairs are sporadic but often of a high dollar value, it is necessary and advisable to establish a durable fund that is available to cover the cost of such repairs on an as-needed basis.

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

Section 1. There is hereby appropriated and allocated the sum of \$30,000.00 designated for major vehicle repairs and rehabilitation. The appropriation of \$30,000.00 shall be made from the Capital Improvement Fund and shall be designated as "Appropriation for major vehicle repairs and rehabilitation."

Section 2. The said major vehicle repairs and rehabilitation and the use of said funds therefor shall be made at the recommendation of the Borough Administrator and shall be approved by the Chief Financial Officer. Payments shall be processed in the ordinary manner.

Section 3. This Ordinance shall take effect upon final passage and publication as required by law.

*A motion Introduced for second reading **Ordinance No. 2024-1559** 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 Russo-Vogelsang - all ayes*

No Public Comment

Motion to close meeting to the public by Councilmember Cudequest; 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

MEETING OPEN TO PUBLIC:

Agenda Items Only

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

Carolee Adams

The Chief mentioned about electric bikes, suggested doing an ordinance that flags should be put on the bikes so they can be seen;

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

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

August 8, 2024

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

RESOLUTIONS:

167-2024 Knock Out Opioid Abuse Day, October 6, 2024

WHEREAS, New Jersey is in the midst of a life-threatening opioid abuse epidemic; and **WHEREAS**, the Partnership for a Drug-Free New Jersey has designated October 6, 2024, as Knock Out Opioid Abuse Day – an initiative with a multiple purposes: to raise awareness of the potential for dependency on prescribed pain medicine and its link to heroin and fentanyl use in our state; to reduce

stigma of addiction and shine a light on the need for recovery support; and to communicate to physicians information on safer prescribing messages found in the Centers for Disease Control and Prevention guidelines for prescribing opioids, which include considering other therapies, setting realistic treatment goals with patients and discussing with patients the positives and negatives of opioids; and

WHEREAS, the State Senate and General Assembly jointly resolved that October 6 shall be permanently designated as Knock Out Opioid Abuse Day in New Jersey in order to raise awareness about the dangers of, and the link between, prescription opioid misuse and heroin addiction and to educate health care providers, community leaders, state lawmakers and members of the public about the opioid abuse epidemic and its effects throughout the State of New Jersey and across the country; and

WHEREAS, Children’s Aid and Family Services, The Center for Alcohol and Drug Resources, and the Bergen County Prevention Coalition support initiatives designed to raise awareness about opioid abuse in New Jersey and take steps to prevent addiction;

THEREFORE, BE IT RESOLVED, that October 6, 2024, be recognized as Knock Out Opioid Abuse Day in Montvale.

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

RESOLUTIONS: (CONSENT AGENDA*)

*All items listed on a consent agenda are considered to be routine and non-controversial by the Borough Council and will be approved by a motion, seconded and a roll call vote. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

161-2024 Refund Tax Overpayment - Block 806, Lot 4.01 – 13 Main Street

WHEREAS, a resolution authorizing the Borough of Montvale to refund an overpayment of taxes for the property located at 13 Main Street, also known as Block 806, Lot 4.01;

WHEREAS, a duplicate payment was made by the mortgage company; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to refund \$2,680.67 to:

Visions Federal Credit Union
Attn: Laura Lessi, Mortgage Loan Processor
24 McKinley Ave
Endicott, NY 13760

162-2024 Resolution for Renewal of Membership in The Bergen County Municipal Joint Insurance Fund

WHEREAS, the Borough of Montvale is a member of the Bergen County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2024 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, BE IT RESOLVED as follows:

1. The Borough of Montvale agrees to renew its membership in the Bergen County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Bergen County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

163-2024 Authorize Release of Escrow – Walter Janovic – 24 Akers Ave - Block 2202, Lots 10 and 11

WHEREAS, Walter Janovic has requested release of escrow posted for 24 Akers Ave, Block 2202, Lots 10 and 11; and

WHEREAS, the Borough Engineer and other Borough professionals take no exception to the release; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale hereby release escrow to Walter Janovic, to be mailed to 51 Hering Road, Montvale, NJ 07645 in the amount of \$444.82; and

BE IT FURHTER RESOLVED, the Treasurer shall receive a copy of this resolution for processing.

164-2024 Authorize Release of Escrow – Push to Walk – 11 Philips Parkway - Block 3201, Lot 2

WHEREAS, Push to Walk has requested release of escrow posted for 11 Philips Parkway, Block 3201, Lots 2; and

WHEREAS, the Borough Engineer and other Borough professionals take no exception to the release; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale hereby release escrow to Push to Walk, to be mailed to 11 Philips Parkway, Montvale, NJ 07645 in the amount of \$452.50; and

BE IT FURHTER RESOLVED, the Treasurer shall receive a copy of this resolution for processing.

165-2024 Authorize Release of Escrow – P & B Signs – 14 Philips Parkway - Block 2802, Lot 4

WHEREAS, P & B Signs has requested release of escrow posted for 14 Philips Parkway, Block 2802, Lots 4; and

WHEREAS, the Borough Engineer and other Borough professionals take no exception to the release; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale hereby release escrow to P & B Signs, to be mailed to 711 Executive Blvd, Suite G, Valley Cottage, NY 10989 in the amount of \$352.50; and

BE IT FURHTER RESOLVED, the Treasurer shall receive a copy of this resolution for processing.

166-2024 Resolution Extending Affordability Controls at The Valley View at Montvale Site

WHEREAS, on May 15, 1989, the New Jersey Council on Affordable Housing (“COAH”) “with the full cooperation of the Department of Community Affairs and the New Jersey Housing and Mortgage Finance Agency (“HMFA”)” adopted regulations that established important public policies centered on the principle that affordable housing was a “precious resource” and that municipalities should be allowed to decide how best to use that resource to facilitate the production of affordable housing (see 21 N.J.R. 2020-2024); and

WHEREAS, COAH explained that “New Jersey is losing affordable units and the subsidy necessary to replace them” as a result of the expiration of controls on affordable units created “by HUD in the 1960s and 1970s” and noted that “experience indicates that there will be an on-going need for affordable housing” (see 21 N.J.R. 2020); and

WHEREAS, the proposed rule that COAH adopted empowers municipalities to “use of proceeds derived from sales of affordable units to the creation, rehabilitation or maintenance of affordable housing units” or to extend the deed restriction on affordable units (see 21 N.J.R. 2020); and

WHEREAS, by adopting these regulations, COAH “decided to create a situation where responsible public officials could make decisions regarding the continued maintenance of affordability as the controls were expiring.” (see 21 N.J.R. 2020); and

WHEREAS, in establishing these policies, COAH considered the claim that “[o]wners of affordable units should be allowed to retain the equity built up in their units if the unit is sold after the resale controls expire”; and concluded that the rights of municipalities to address the need for affordable housing as they saw fit was more important than the rights of individual low- and moderate-income households to a potential windfall:

“RESPONSE: After listening to many different views, the Council determined that an affordable housing unit is a precious resource and efforts should be made to retain the affordable housing stock or for money to be recycled to create additional housing opportunities. However, the owners of a low and moderate income unit do receive many benefits, including an affordable housing unit during the length of their tenure; the equity resulting from repayment of a mortgage; the appreciation resulting from indexed increases to the maximum sales price of the housing unit; and the tax deductions that are synonymous with home ownership. Also, if home maintenance has been ignored, the owner may not be able to sell the unit for the full controlled price.”

[21 N.J.R. 2020]; and

WHEREAS, COAH did not intend its new policies to affect low- and moderate-income sales units occupied by low- and moderate-income households at that time (May 15, 1989), but did intend to control affordable units “sold prior to the termination of the controlled period” (see 21 N.J.R. 2020); and

WHEREAS, COAH implemented the policies explained in response to comments made on its proposed rules by providing that “a municipality shall have the right to determine that the most desirable means of promoting an adequate supply of low- and moderate-income housing is to prohibit the exercise of the repayment option and maintain controls on lower income housing units sold within the municipality beyond the period required by N.J.A.C. 5:92-12.1” (N.J.A.C. 5:92-12.8(a)); and

WHEREAS, for ease in reference, this resolution shall refer to the right conferred by COAH regulations to empower municipalities to capture 95 percent of the differential between the fair market value of an affordable unit and the Maximum Restricted Resale Price at the time of a fair market value sale as “the repayment option” and the right of a municipality to reject the repayment option, thereby effectively extending controls as “the extension of controls option”; and

WHEREAS, N.J.A.C. 5:92-12.8 further provides that for a municipality to exercise the extension of controls option, it must adopt a resolution and file it with COAH and the authority which the municipality has designated to administer the affordable units declaring its relinquishment of the repayment option and exercise of the extension of controls option. N.J.A.C. 5:92-12.8(a); N.J.A.C. 5:92-12.8(b) (21 N.J.R. 2023); and

WHEREAS, on May 10, 1994, COAH adopted its Round 2 Substantive Regulations, which incorporated the policies it had established by its 1989 regulations (compare 5:92-12.1 et seq. with N.J.A.C. 5:93-9.1 et seq.); and

WHEREAS, in 2001 and 2004, the HMFA incorporated into its Uniform Housing Affordability Controls regulations (N.J.A.C. 5:80-26.1 thru -26.26), commonly referred to as UHAC, the policies that COAH had first established in 1989 with its “full cooperation” and that COAH made part of its Round 2 regulations; and

WHEREAS, pursuant to N.J.A.C. 5:80-26.25 of the UHAC, like N.J.A.C. 5:92-12.8 and N.J.A.C. 5:93-9.9, the HMFA reaffirmed “the right [of municipalities] to determine that the most desirable means of promoting an adequate supply of low- and moderate-income housing is to prohibit the exercise of the

repayment option and maintain controls on lower income housing units sold within the municipality beyond the period required by N.J.A.C. 5:93-9.2”; and

WHEREAS, pursuant to N.J.A.C. 5:80-26.25 of the UHAC, the HMFA gives the Borough “the right to determine that the most desirable means of promoting an adequate supply of low-and moderate-income housing is to prohibit the exercise of the repayment option and maintain controls on lower income housing units sold within the municipality beyond the period required by N.J.A.C. 5:93-9.2 . . .” (compare N.J.A.C. 5:80-26.25 with N.J.A.C. 5:93 –9.9); and

WHEREAS, just as the COAH regulations sought to give “responsible public officials” the right to decide whether to extend the restrictions on affordable units or to capture 95 percent of the differential, N.J.A.C. 5:80-26.1 provides that the “purpose” of the UHAC regulations is *inter alia* to provide “for the establishment and administration of affordability controls on restricted units that receive COAH credit under the Fair Housing Act. . . .” (compare 21 N.J.R. 2020 with N.J.A.C. 5:80-26.26.1); and

WHEREAS, N.J.A.C. 5:80-26.25(a) of the UHAC regulations instructs that municipalities exercising the right to prohibit the repayment option and maintain the control period(s) on any 95/5 affordable units for a longer period of time, shall do so through the adoption of a resolution by the municipality’s governing body, which shall be effective upon filing with COAH (compare N.J.A.C. 5:80-26.25 (a) with N.J.A.C. 5:93 – 9.9); and

WHEREAS, the governing body resolution must specify the time period for which the repayment option shall not be applicable, and that during such additional period, no seller in the municipality may utilize the repayment option permitted by N.J.A.C. 5:93-9.8 (compare N.J.A.C. 5:80-26.25(a) with N.J.A.C. 5:93 – 9.9); and

WHEREAS, pursuant of N.J.A.C. 5:80-26.25(b) of UHAC, a municipality that exercises the right to extend the control period(s), shall provide public notice in a newspaper of general circulation, and notify the administrative agent and COAH of the governing body’s action (compare N.J.A.C. 5:80-26.25(b) with N.J.A.C. 5:93 –9.9(b)); and

WHEREAS, by incorporating into UHAC the standards that COAH established in its 1989 regulations and Round 2 regulations to empower responsible public officials to extend the deed restrictions on affordable units or to capture 95 percent of the differential, the HMFA reaffirmed the rights conferred by COAH regulations; and

WHEREAS, the Montvale Borough Planning Board adopted, and the Borough endorsed a Housing Element and Fair Share Plan, (“HEFSP”) designed to comply with COAH’s Round 2 regulations; filed that plan with COAH; and, on December 15, 2004, COAH provided substantive certification to the Borough (the “Prior Round” Compliance); and

WHEREAS, as part of its Prior Round Compliance, the Valley View at Montvale site, located at Block 2001, Lots 1 and 3, received site plan approval for the construction of 128 condominium units, of which 26 would be affordable to low- and moderate-income households; and

WHEREAS, on December 15, 2004, in accordance with N.J.S.A. 52:27D-314 (a) of the New Jersey Fair Housing Act (“FHA”), which required COAH to certify an affordable housing plan once it was satisfied that the plan was “consistent with the rules and criteria [it] adopted”, COAH certified the Borough’s HEFSP after it determined that the plan generally, and the standards establishing the repayment and extension of controls options in particular satisfied its regulations; and

WHEREAS, the Valley View project was constructed between the years 2007 and 2009, and in 2008 the project executed an Affordable Housing Plan, recorded in the Bergen County Clerk’s Office on January 8, 2008, located in Book 9476, Page 435, as well as Affordable Housing Agreements for the specific affordable units in the project which were record in the Bergen County Clerk’s Office between 2008 and 2009, which are attached hereto as **Exhibit A** to this resolution; and

WHEREAS, the Valley View Affordable Housing Plan designated the following units to be affordable:

Unit Address	Current Block #	Current Lot #
8 Sweeney Court	2001	5.01
2 Sweeney Court	2001	5.01
16 Sweeney Court	2001	5.01

BOROUGH OF MONTVALE**SEPTEMBER 12, 2024**

10 Sweeney Court	2001	5.01
8 Forshee Circle	2001	5.01
2 Forshee Circle	2001	5.01
16 Forshee Circle	2001	5.01
10 Forshee Circle	2001	5.01
24 Forshee Circle	2001	5.01
18 Forshee Circle	2001	5.01
32 Forshee Circle	2001	5.01
26 Forshee Circle	2001	5.01
40 Forshee Circle	2001	5.01
34 Forshee Circle	2001	5.01
52 Forshee Circle	2001	5.01
50 Forshee Circle	2001	5.01
44 Forshee Circle	2001	5.01
42 Forshee Circle	2001	5.01
51 Forshee Circle	2001	5.01
49 Forshee Circle	2001	5.01
43 Forshee Circle	2001	5.01
41 Forshee Circle	2001	5.01
1 Sweeney Court	2001	5.01
3 Sweeney Court	2001	5.01
5 Sweeney Court	2001	5.01
7 Sweeney Court	2001	5.01

(hereinafter “Valley View Affordables”); and

WHEREAS, pursuant to the Affordable Housing Agreements between 2008 and 2009, the Valley View at Montvale was subject to the following option:

The terms, restrictions and covenants of this Affordable Housing Agreement may be extended by municipal resolution as provided for in N.J.A.C. 5:92.1, et. seq. Such municipal resolution shall provide for a period of extended restrictions and shall be effective upon filing with the Council and the Authority. The municipal resolution shall specify the extended time period by providing a revised ending date. An amendment to the Affordable Housing Agreement shall be filed with the recording office of the county in which the Affordable Housing unit or units is/are located.

(Affordable Housing Agreements, Section III.C); and

WHEREAS, the Affordable Housing Plan provides for **30 years of restrictions** and the controlling law at the beginning of the Agreement supports that conclusion; and

WHEREAS, due to a clerical mistake, certain Affordable Housing Agreements incorrectly state the length of the affordability restrictions; and

WHEREAS, the clerical mistake is immaterial due to the Borough’s desire to extend the affordability controls on the units for a period of at least sixty (60) years from the first occupancy of a low- or moderate-income household in the Valley View units; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2, which amended the Fair Housing Act; and

WHEREAS, while P.L.2024, c.2 eliminated COAH, its powers were split between the Administrative Office of the Courts, the New Jersey Housing and Mortgage Finance Agency, and the Department of Community Affairs (“DCA”); and

WHEREAS, P.L.2024, c.2, states that COAH regulations shall remain in full force and effect with the exception of any changes within P.L. 2024, C. 2; and

WHEREAS, P.L.2024, c.2 does not remove a municipality’s right to extend deed restrictions on housing projects that contain market-rate units; and

WHEREAS, P.L.2024, c.2, established a new statutory section, N.J.S.A. 52:27D-313.3, which supports that UHAC regulations remain in full force and effect as of the date of this Resolution; and

WHEREAS, Valley View is a housing project that contains market-rate units; and

WHEREAS, the Borough views P.L.2024, c.2 as maintaining its ability to extend affordability controls under COAH’s regulations, UHAC’s regulations, the FHA, the Affordable Housing Plan, and the Affordable Housing Agreements for Valley View; and

WHEREAS, Montvale Borough has determined that the most desirable means of advancing the public policy of promoting an adequate supply of low- and moderate-income housing in Montvale Borough pursuant to N.J.A.C. 5:92-12.8, and its successors, N.J.A.C. 5:93-9.9 and N.J.A.C. 5:80-25.25 and the requirements of its Round 2 grant of substantive certification, is to forego the repayment option on the 26 units listed above and to maintain controls on these 26 units for a total period of at least 60 years of affordability controls.

NOW, THEREFORE, BE IT RESOLVED on this 12th day of September, 2024, by the Council of the Borough of Montvale, County of Bergen, State of New Jersey, as follows:

1. The Repayment Option shall not be permitted from the date of this resolution until the following date for each unit, or for a period of at least 60 total years, whichever is later, at which time the Borough may choose to continue to reject the repayment option:

Block	Lot	Address	Deed Commencement Date (MM/DD/YYYY)	New Extension Period End Date (MM/DD/YYYY)
2001	5.01	2 Forshee Circle	05/28/2008	05/28/2068
2001	5.01	8 Forshee Circle	02/29/2008	02/29/2068
2001	5.01	10 Forshee Circle	04/30/2008	04/30/2068
2001	5.01	16 Forshee Circle	09/22/2008	09/22/2068
2001	5.01	18 Forshee Circle	05/29/2008	05/29/2068
2001	5.01	24 Forshee Circle	02/20/2009	02/20/2069
2001	5.01	26 Forshee Circle	10/24/2008	10/24/2068
2001	5.01	32 Forshee Circle	10/22/2008	10/22/2068
2001	5.01	34 Forshee Circle	07/30/2009	07/30/2069
2001	5.01	40 Forshee Circle	01/30/2009	01/30/2069
2001	5.01	41 Forshee Circle	06/26/2009	06/26/2069
2001	5.01	42 Forshee Circle	08/06/2009	08/06/2069
2001	5.01	43 Forshee Circle	01/31/2008	01/31/2069
2001	5.01	44 Forshee Circle	07/02/2009	07/02/2069
2001	5.01	49 Forshee Circle	05/16/2008	05/16/2068
2001	5.01	50 Forshee Circle	10/01/2009	10/01/2069
2001	5.01	51 Forshee Circle	01/31/2008	01/31/2068
2001	5.01	52 Forshee Circle	07/10/2009	07/10/2069
2001	5.01	1 Sweeney Court	03/20/2008	03/20/2068
2001	5.01	2 Sweeney Court	10/08/2008	10/08/2068
2001	5.01	3 Sweeney Court	10/09/2008	10/09/2068
2001	5.01	5 Sweeney Court	02/26/2008	02/26/2068
2001	5.01	7 Sweeney Court	04/30/2008	04/30/2068
2001	5.01	8 Sweeney Court	11/17/2008	11/17/2068
2001	5.01	10 Sweeney Court	07/07/2009	07/07/2069

2. The period of affordability controls on these units is extended until the following dates in the table in Paragraph 1, or for a period of at least 60 total years, whichever is later, and during this period of extended controls, no seller of any of the 26 units identified in this resolution may utilize the repayment option as permitted by N.J.A.C. 5:93-9.8
3. The Clerk is authorized and directed to print this resolution in full in the official newspaper of Montvale Borough, and to notify the administrative agent and the Special Master of the Montvale Borough Council's action.
4. The administrative agent shall ensure the deed restriction on all affected 26 units extends through the dates in Paragraph 1 above, or for a period of at least 60 total years, whichever is later.
5. This resolution shall evidence that the controls have been extended in accordance with COAH's regulations, UHAC and the requirements of the Round 2 grant of substantive certification, and that Montvale Borough is entitled to an additional 26 COAH credits to address a portion of its fair share obligation through the extension of affordability controls.
6. The sale and use of the units are governed by UHAC, found in the New Jersey Administrative Code at Title 5, Chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, et seq.), the Affordable Housing Agreements associated with each unit, and the Borough's Affordable Housing Ordinance, and any amendments, changes or supplements thereto.
7. The Borough will specifically seek credit for the extensions under a compliance technique known as "Extensions of Expiring Controls" as part of its Fourth Round compliance plan or as part of its Round 5 compliance plan, depending on the determination on when the controls were initially set to expire.

168-2024 Authorize Proposal for Appraisal Services - McNerney & Associates, Inc. for 12 Van Riper Road, Block 3302; 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 12 Van Riper Road and identified as Block 3302 Lot 1 (hereinafter the "Subject Property") challenging the added assessment of the Subject Property for the 2024 tax year; 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 August 22, 2024 from McNerney & Associates, Inc. (hereinafter the "Proposal") to prepare the desired appraisal report for the total amount of \$5,000.00; 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 12 Van Riper Road, at Block 3302 Lot 1 in the Borough of Montvale, in accordance with the terms set forth in the attached Proposal.

169-2024 Authorize Release of Escrow - William Yeomans - 36 S. Kinderkamack Rd - Block 2406, Lot 2

WHEREAS, William Yeomans has requested release of escrow posted for 36 S. Kinderkamack Road, Block 2406, Lot 2; and

WHEREAS, the Borough Engineer and other Borough professionals take no exception to the release; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale hereby release escrow to William Yeomans, to be mailed to 143 Roseland Avenue, Caldwell, NJ 07006 in the amount of \$500.00; and

BE IT FURHTER RESOLVED, the Treasurer shall receive a copy of this resolution for processing.

170-2024 A Resolution Authorizing The Chief Financial Officer To Take Certain Financial Actions And To Close Various Bank Accounts

WHEREAS, the Mayor and Council of the Borough of Montvale have reviewed certain financial records and determined that various actions are necessary to clean up the Borough's financial accounts and records; and

WHEREAS, it has been determined that certain trust accounts and bank accounts have remaining balances that should be transferred or cancelled, and certain checks remain unclaimed and should be cancelled; and

WHEREAS, the Chief Financial Officer has identified the need to close certain bank accounts with zero balances and take appropriate action regarding stale checks and remaining balances.

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

1. Cancellation of Balance in Celebration of Public Events Trust Fund:

- The Chief Financial Officer is hereby authorized to cancel the remaining balance of **\$82.91** in the Celebration of Public Events Trust Fund and transfer said amount to the **Miscellaneous Revenue Not Anticipated (MRNA)**.

2. Transfer of Balance in Historic Preservation Bank Account:

- The Chief Financial Officer is hereby authorized to transfer the remaining balance of **\$1,620.89** from the Historic Preservation Bank Account at Wells Fargo to the **General Trust Fund (03)**, specifically to the Historic Preservation Trust Fund.

3. Cancellation of Rent Security Balance:

- The Chief Financial Officer is hereby authorized to cancel the remaining balance of **\$3,966.33** in the Rent Security Account belonging to **D. Vaillancort**, after attempts to return the security deposit were unsuccessful, and transfer the amount to the **Miscellaneous Revenue Not Anticipated (MRNA)**.

4. Closure of Zero Balance Bank Accounts:

- The Chief Financial Officer is hereby authorized to close the following bank accounts at Wells Fargo Bank, all of which have zero balances:
 - Celebration of Public Events Account, Account Number ending in 1063
 - Community Development Account, Account Number ending in 3352
 - Historic Preservation Account, Account Number ending in 1679
 - Self Insurance Trust Account, Account Number ending in 7952
 - Rent Security Account, Account Number ending in 2912
 - Rent Security Account, Account Number ending in 6318

5. Cancellation of Stale Claims Account Checks:

- The Chief Financial Officer is hereby authorized to cancel the following stale checks from the Claims Account and transfer the unclaimed amounts to the **Miscellaneous Revenue Not Anticipated (MRNA)**:
 - Check 18387, issued on 10/27/2020, in the amount of **\$318.00**
 - Check 1262, issued on 2/22/2022, in the amount of **\$73.70**
 - Check 1506, issued on 4/26/2022, in the amount of **\$133.43**
 - Check 2852, issued on 2/14/2023, in the amount of **\$885.00**
 - Check 3199, issued on 5/11/2023, in the amount of **\$85.40**
 - Check 3353, issued on 6/8/2023, in the amount of **\$50.00**

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to take any and all actions necessary to implement this Resolution.

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

BILLS: Administrator read the Bill Report.

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

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

COMMITTEE REPORTS:

Council President Roche

Special Events

Day in the Park was a tremendous event

Environmental Commission

Reviewed presentation eagle scouts

Chamber of Commerce

In the planning stages to do an off event in 2025

Councilmember Lane

Fire Dept

43 calls; 2 drills; 7 work details and 1 meeting;

Finance

The budget process is right around the corner

Councilmember Cudequest

Board of Health

2 nurses from Hackensack attended the last meeting to explain that HARP, the nursing services that we have a contract with, will be dissolved in January. Hackensack does not have the nursing staff to provide those services any longer; the services they provided were the communicable disease report, monitoring Covid in town, any outbreaks in our schools and in our over 65 community, health education in our schools and senior center, blood pressure monitoring at our senior meetings, school and day care vaccine audits and our flu clinics. NorthWest Bergen Regional Health Commission that we contract with does provide these services and the Board will be reviewing a contract from NorthWest.

Flu Clinic is scheduled for October 5th from 9am-10:30am at the senior center

Seniors

At their meeting, a nurse from Hackensack attended talking about the importance of vaccines; will have their BBQ at Huff Park on September 19th

Library

Both Montvale and Park Ridge libraries were affected by the heavy rains this past August; thanked DPW for the dehumidifiers and for removing carpet that was damaged as a result of flooding; Park Ridge had significant damage and will be closed for the next several months, Montvale has extended a welcome to Park Ridge residents to use our library; Sept 19 at 7pm will be a hands only CPR class

Montvale TV Access

John Hogan, Bergen County Clerk will be interviewed on Sept 24 to review the voting process for this upcoming election

Councilmember Arendacs

DPW

Maintaining equipment for leaf season; large amounts of trash have been reported at the fields from the weekends

Engineering

Grand Ave paving project will be possibly the first week in October; discussions are in progress as to when the Park-n-Ridge will open

Councilmember Koelling

Police

Monthly report included in original minutes;

Councilmember Russo-Vogelsang

Business Development Committee

Met with a public relation firm to help Montvale attract businesses; they will be coming to a council meeting to do a presentation on October 29

Message from the Superintendent, Darren Petersen:

As we begin this new school year, I'm excited to share some important updates, happenings and highlights from across our district. Our commitment to providing the best possible learning environment for our students and to meet the evolving needs of our school community is at the core of what we do. As always, we value your support and involvement in our schools. Together, we're building a bright future for our students and our community.

School Improvement Updates are as follow:

New HVAC units have been installed at both schools

New state-of-the art fire alarm systems installed at both schools

New classroom doors and locks replaced

Ongoing improvements continue at both schools which should all be completed by early 2025

Montvale School District has recently received outstanding results from the NJ Dept of Education's state monitoring process. The department has recognized Montvale Schools as "High Performing" school district. This achievement places Montvale Schools among the elite in the state. Out of the 45 school districts evaluated last year, Montvale was one of only five districts to score "Perfect" in four out of the five areas assessed.

These areas include:

- *Instruction and Program*
- *Fiscal Management*
- *Governance*
- *Operations*
- *Personnel*

Achieving perfect scores in four of these categories is a testament to the dedication, hard work, and excellence of the Montvale Schools' and the entire Montvale community.

Finally, a PSA announcement regarding Memorial Drive Safety is included with original minutes

MAYOR'S REPORT:

The affordable housing lawsuit was submitted on Monday, to date we have 17 towns committing to join the coalition; several meetings in the upcoming weeks throughout the State to get more towns to join; to date we have built 365 affordable units, that is 10% of our housing stock;

ENGINEER'S REPORT:

No Report

ATTORNEY'S REPORT: David Lafferty, Esq.

August 28th the borough closed on the DePiero property which consists of 9 acres; the DePiero family will continue to operate the farm to the end of the year; the borough will explore the possibility of an RFP to have a private operator operate the farm. A motion by Councilmember Lane to authorize Mr. Lafferty to prepare the RFP; seconded by Councilmember Roche – all ayes

ADMINISTRATOR'S REPORT: Joe Voytus

Started paving at the park-n-ride, we should have a firm date as when it will be opened; DPW study is almost complete, should have some adjustment recommendations shortly and will schedule a committee meeting in early October; Veolia is proceeding with their tank design; new full-time employee for the construction department; Spoke with Boswell regarding the GSP ramp closure possibly in October.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

- a. Discussion – Hiring of EConsult Solutions

Mayor Ghassali stated this firm will provide factual data in regards to the affordable housing lawsuit; Joe also stated their proposal will be in the \$25,000-\$30,000 range; a motion to hire EConsult Solutions by Councilmember Lane; seconded by Councilmember Arendacs; Councilmember Roche asked how will this be paid, Joe stated through the funds collected from each town; - all ayes

Councilmember Arendacs wanted to bring the conversation back to what was just mentioned with the Police Chief in regards to shoplifting in the Wegmans area, he suggested an option for an additional officer just until the end of the year patrolling the area. Mayor Ghassali will discuss further with the Police Chief.

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 Cudequest
- all ayes*

Carolee Adams

Do not pay the bill for the roads of the micro-paving; Carolee provided a letter from 2014 in regards to micro-paving on Camron Court which in turn had to be re-paved; Mayor Ghassali, Councilmembers and Colliers engineering walk the roads; Mayor Ghassali stated the contractor will come back to repair some of the issues

*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 Cudequest; seconded by Councilmember Lane
- all ayes*

Meeting was adjourned at 9:08pm

Regular Workshop Meeting of the Mayor & Council to be held at 7:30pm on Tuesday, September 24, 2024

Respectfully submitted, Frances Scordo, Municipal Clerk