

**WORK SESSION  
MINUTES**

The Work Session Meeting of the Mayor and Council was in the Council Chambers and called to order at 7:30pm. Adequate notification was published in the official newspaper of the Borough of Montvale. Roll call was taken.

**OPEN PUBLIC MEETING STATEMENT**

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

**ROLL CALL:**

Councilmember Arendacs  
Councilmember Cudequest  
Councilmember Koelling - absent

Councilmember Lane  
Councilmember Roche  
Councilmember Russo-Vogelsang

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

**ORDINANCES:**

*None*

**MINUTES:**

September 12, 2024

*A motion to accept the minutes by Councilmember Cudequest; seconded by Councilmember Russo-Vogelsang - all ayes*

**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.

**171-2024 Authorize Hiring Full Time Construction Clerk – Meghan Culhane**

**WHEREAS**, Meghan Culhane meets the qualifications for the position of Construction Clerk and agrees to the terms and conditions of employment, and has previously completed a satisfactory background investigation; and

**NOW THEREFORE, BE IT RESOLEVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, that the above-named individual is hereby appointed to the position of a full-time Construction Clerk, effective October 7, 2024.

**172-2024 Award Professional Service Contract - Construction Observation Services and Administration Services for NJDOT FY2023 Terkuile Road Resurfacing Project - Colliers Engineering & Design**

**WHEREAS**, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer for Project Construction Observation Services and Administration Services for the 2024 Road Improvements Program; and

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

**WHEREAS**, Colliers Engineering & Design, 400 Valley Road, Suite 304, Mt. Arlington, NJ 07856 has submitted a proposal dated September 12, 2024 to provide engineering services which are detailed and attached to the original of this resolution, and

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

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

1. That the following be provided: Construction Observation Services and Administration Services for NJDOT FY2023 Terkuile Road Resurfacing Project
2. The cost not to exceed shall be \$18,840.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

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

**173-2024 Amending Resolution No. 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

***Against the Above Backdrop, The Borough of Montvale Achieved a Judgment of Compliance and Repose which Specifically Allowed The Municipality to Reject the Repayment Option on the Valley View Site***

**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 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 that the affordability restrictions are only 20 years; 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 an low- or moderate-income household in the Valley View units; and

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

<b>Unit Address</b>	<b>Current Block #</b>	<b>Current Lot #</b>
8 Sweeney Court	2001	5.01
2 Sweeney Court	2001	5.01
16 Sweeney Court	2001	5.01
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

***The Newly Adopted FHA Maintains a Municipality’s Ability to Extend Controls Established Pursuant to COAH and UHAC Regulations***

**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

***Montvale Elects To Reject The Repayment Option, Thereby Effectively Extending The Period of Affordability Controls.***

**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 an additional period of at least 60 years of affordability controls.

**NOW, THEREFORE, BE IT RESOLVED** on this 24<sup>th</sup> 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 Township 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

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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
2001	5.01	16 Sweeney Court	05/27/2008	05/27/2068

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 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.

**174-2024 A Resolution Authorizing The Borough Of Montvale To Accept The Bid Of Michael Biancorosso And Steven Vassi For The Property Identified As Block 804, Lot 17**

**WHEREAS**, the Borough of Montvale is the owner of real property identified as Block 804, Lot 17 on the Official Tax Map of the Borough (the "Property"); and

**WHEREAS**, the Property consists of approximately 0.314 acres of vacant land and is not needed for public use; and

**WHEREAS**, N.J.S.A. 40A:12-1 et seq. authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

**WHEREAS**, by Resolution No. 73-2024, dated March 14, 2024, the Borough authorized the Public Sale of the Property, subject to certain conditions, including but not limited to a minimum bid of \$10,000.00; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-13, advertisement of the sale of the property not needed for public use by open sale at auction was advertised in the Record on March 28, 2024 and April 4, 2024; and

**WHEREAS**, on April 11, 2024 the Borough offered the Property for sale to the highest bidder; and

**WHEREAS**, the sole bid received was from Michael Biancorosso and Steven Vassi (hereinafter "Biancorosso-Vassi") in the amount of \$10,000.00; and

**WHEREAS**, Biancorosso-Vassi did tender the required ten-percent (10%) deposit at the time of its bid, in the amount of \$1,000.00, payable to the Borough of Montvale; and

**WHEREAS**, the Borough wishes to accept the bid received from Biancorosso-Vassi in the amount of \$10,000.00.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Montvale, County of Bergen, in the State of New Jersey that the Borough of Montvale shall accept the bid from Michael Biancorosso and Steven Vassi in the amount of \$10,000.00 plus usual and customary adjustments at closing, for the real property identified as Block 804, Lot 17 in accordance with the terms and conditions set forth in Resolution 7302024, including payment of the balance of the purchase price, legal fees incurred by the Borough for the transfer of title, the cost of the Borough's appraisal for the property, engineering fees incurred by the Borough and the cost of advertisement of the public sale, and authorizes the Borough Attorney to prepare a contract for sale, deed, and such other documents as are necessary to transfer the subject property; and



**BE IT FURTHER RESOLVED**, that the Mayor, Clerk and Administrator are authorized to execute the contract of sale, quitclaim deed, and any other documentation to effectuate the transfer of the property.

**175-2024 Amending Resolution No. 125-2024 To Establish Recreational Fees for Year 2024**

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

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

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

**TIME SCHEDULE FOR PICKLEBALL COURTS:**

Weekdays and Weekends:

8:00AM – Dusk

<u>Program Name</u>	<u>Session Length</u>	<u>Resident Fee</u>	<u>Non-Resident Fee</u>
<b>30+ Basketball</b>	Sept-May	\$75	\$95
	Jan-May	\$40	\$60
<b>Adult Soccer</b>	10 weeks	\$15	\$20
<b>Golf Instruction</b>	6 weeks	\$120	\$150
	8 weeks	\$150	\$170
<b>Pickleball Instruction</b>	6 weeks	\$120	\$150
	8 weeks	\$160	\$200
<b>Summer Camp: Grades 1-5</b>	4 weeks	\$450 per child \$1350 family max	\$500 per child \$1500 family max
<b>Adventure Camp: Grades 6-7</b>	4 weeks	\$550 per child	\$610 per child

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<p><b>Summer Camp Resident/Non-Resident</b></p>	<p>\$30 Additional Fee after Registration Period. \$25 late charge for every 15 minutes a child is left under care after camp dismissal. Payment shall be made directly to the Camp Director or Asst. Director and turned over to the Borough of Montvale.</p> <p>Camp financial assistance fee amounts will be at the discretion of the Recreation Director.</p>		
<p><u><b>Program Name</b></u></p>	<p><u><b>Session Length</b></u></p>	<p><u><b>Resident Fee</b></u></p>	<p><u><b>Non-Resident Fee</b></u></p>
<p><b>Multisport Camp by TGA</b></p>	<p>1 week (Full Day)</p>	<p>\$90</p>	<p>\$120</p>
	<p>1 week (Half Day)</p>	<p>\$60</p>	<p>\$90</p>
<p><b>The Way- The Art of Life</b></p>	<p>8 weeks (@ 2 classes per week)</p>	<p>\$120</p>	<p>\$180</p>
<p><b>Tai Chi</b></p>	<p>8 weeks</p>	<p>\$80</p>	<p>\$100</p>
<p><b>Montvale Senior Club Tai Chi Discount:</b></p>	<p>8 weeks</p>	<p>\$40</p>	<p>\$40</p>
<p><b>Tennis Lessons</b></p>	<p>6 weeks</p>	<p>\$120</p>	<p>\$150</p>
	<p>8 weeks</p>	<p>\$160</p>	<p>\$200</p>
<p><b>Tennis Badges</b></p>			
<p>Adult (Ages 18-61)</p>	<p>January-December (weather permitting)</p>	<p>\$30</p>	<p>\$60</p>
<p>Child (Ages 17 &amp; Younger)</p>	<p>January-December (weather permitting)</p>	<p>\$10</p>	<p>\$20</p>
<p>Family Max</p>	<p>January-December (weather permitting)</p>	<p>\$60</p>	<p>\$120</p>
<p>Seniors (Ages 62 &amp; Up)</p>	<p>January-December (weather permitting)</p>	<p>\$15</p>	<p>\$30</p>

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		\$10 Fee for Replacement Tennis Badge	
<b>Basketball Badges</b>			
Adult (Ages 18-61)	Residents: Lifetime Non-Residents: January-December	Free	\$25
Child (Ages 17 & Younger)	Residents: Lifetime Non-Residents: January-December	Free	\$15
Seniors (Ages 62 & Older)	Residents: Lifetime Non-Residents: January-December	Free	\$10
		\$5 Fee for Replacement Basketball Badge	
<b>Pickleball Badges</b>			
Adult (Ages 18-61)	January-December (weather permitting)	\$30	\$100
Child (Ages 17 & Younger)	January-December (weather permitting)	\$10	\$30
Seniors (Ages 62 & Older)	January-December (weather permitting)	\$15	\$100
Family Maximum		\$60	\$200
		\$10 Fee for Replacement Pickleball Badge	
<b>Ultimate Frisbee</b>	6 weeks	\$75	\$95
	8 weeks	\$100	\$120
<b>Volleyball- Adult</b>	January-May	\$240	\$260
<b>Volleyball- Girls</b>	10 weeks	\$200	\$250
<b>Women's Softball- Adult</b>	April - August	\$60	\$80
<b>Yoga</b>	8 weeks	\$80	\$100

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<b>Yoga Mini Session</b>	4 weeks	\$40	\$100
<b>Youth Theater</b>	September-December	\$10	\$50

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

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

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

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

**Field and Facility Permit Regulations**

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

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

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

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

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

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

**Season:** Spring season will begin March 1 and end August 30. Fall season will begin September 1 and end December 31.

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

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

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

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

1. Montvale Athletic League, Recreation and Pascack Hills High School
2. Resident: Not-For-Profit Entity
3. Resident: For Profit Entity
4. Non-Resident: Not-For-Profit Entity
5. Non-Resident: For-Profit Entity

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

**176-2024 A Resolution Amending Agreement With Westphal Waste Services, Inc. For The Solid Waste Collection And Disposal Services Pursuant To N.J.S.A. 40a11-15**

**WHEREAS**, by Resolution No. 67-2023 dated February 14, 2023, Borough of Montvale awarded a two-year extension to a certain Contract with Westphal Waste Services, Inc. for solid waste collection disposal services pursuant to N.J.S.A. 40A:11-15; and

**WHEREAS**, as a result of the completion and sale of the final unit at the Village Springs at Montvale condominium development, Paragon Drive, Montvale, New Jersey, the Borough of Montvale is obligated to provide solid waste collection disposal services for an additional Eighty (80) units at this development; and

**WHEREAS**, the Contract with Westphal Waste Services, Inc. includes a provision setting forth a rate of \$45 per year for each additional unit added to the Contract; and

**WHEREAS**, the Borough of Montvale and Westphal are in mutual agreement to amend the existing Contract to provide for an additional annual payment of \$3,600, pro-rated to October 1, 2024 for the balance of the existing Contract, which equals a total increase of \$300 per month; **NOW, THEREFORE, BE IT RESOLVED**, the Governing Body of the Borough of Montvale, County of Bergen, in the State of New Jersey hereby authorizes an Amendment to the existing Contract with Westphal Waste Services, Inc. to include an additional payment of \$300 per month, from October 2024 through August 2025, for additional solid waste collection disposal services for the Village Springs at Montvale condominium development.

**177-2024 Award Professional Service Contract to Colliers Engineering & Design for Survey Services, Geotechnical Services and Design & Specifications for the Memorial Drive MAL Synthetic Turf Field Project**

**WHEREAS**, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide professional services for the Memorial Drive MAL Synthetic Turf Field Project; and

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

**WHEREAS**, Colliers Engineering & Design, with offices located at 400 Valley Road, Suite 304, Mt. Arlington, NJ 07856 has submitted a proposal dated August 8, 2024 to provide the engineering services which are detailed and attached to the original of this resolution, and

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

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

That the proposal for the scope of engineering services is attached to this resolution which is made part of this resolution shall be awarded to Colliers Engineering & Design.

1. That the following be provided: Survey Services, Geotechnical Services and Design & Bidding Services
2. The cost not to exceed shall be \$56,000.00
3. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

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

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

**178-2024 A Resolution Awarding A Professional Service Contract To Econsult Solutions, Inc. For Litigation Support**

**WHEREAS**, the Borough of Montvale has a need to engage the services of a forensic economist with regard to certain litigation relating to the State of New Jersey's affordable housing obligations entitled Borough of Montvale, et als. vs. State of New Jersey, et als., MER-L-001778-24, Superior Court of New Jersey, Law Division, Middlesex County;

**WHEREAS**, Econsult Solutions, Inc., 1435 Walnut Street, 4<sup>th</sup> Floor, Philadelphia, PA 19102, has demonstrated the necessary expertise to provide the services required by the Borough; and

**WHEREAS**, the anticipated term of this contract is for one (1) year; and

**WHEREAS**, the Certified Municipal Finance Officer has certified the availability of funds; and

**WHEREAS**, Econsult Solutions, Inc. has or will as a condition of this Contract, completed and submitted a Business Entity Disclosure Certification; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids and the Contract itself must be available for public inspection;

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

The Mayor and Municipal Clerk of the Borough of Montvale are hereby authorized and directed to execute the attached Contract with Econsult Solutions, Inc.;

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 as extraordinary unspecifiable services;

The Business Disclosure Entity Certification and Determination of Value be placed on file with this resolution; and

The value of this contract is at the hourly rates set forth in Econsult’s proposal, not to exceed \$35,000 without further action of the Governing Body;

A notice of this action shall be printed once in the official newspaper of the Borough of Montvale.

*Introduced by: Councilmember Cudequest; seconded by Councilmember Roche - a roll call was taken - all ayes - Councilmember Lane had concerns with their hourly rates and mentioned to monitor their invoices and the not to exceed amount.*

**179-2024 Authorize Hiring Special Law Enforcement Officer Class III for Pascack Hills High School – Niko Pieratos**

**WHEREAS**, the Borough of Montvale and Pascack Hills High School have a vacancy in the position of Special Law Enforcement Officer Class III; and

**WHEREAS**, after a public hiring process, it was determined that Niko Pieratos meets the qualifications for the position of SLEO III agrees to the terms and conditions of employment, and has completed a satisfactory background investigation; and

**WHEREAS**, pursuant to an agreement between the Borough and the Board of Education, all costs incurred by the Borough related to Niko Pieratos’s employment shall be reimbursed by the Board of Education.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, that Niko Pieratos is hereby appointed to the position of Special Law Enforcement Officer Class III, effective September 26, 2024.

*Introduced by: Councilmember Cudequest; seconded by Councilmember Russo-Vogelsang - 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*

**ENGINEERS REPORT: Carl O’Brien**

*Went over the punch list with the contractor concerning the micro-paving; Terkuile Road will be milled and paved this week*

**ATTORNEY REPORT: David Lafferty, Esq.**

*Preparing the RFP for DePiero property*

**ADMINISTRATOR REPORT: Joe Voytus**

*Attended a meeting with BMED and stated there will be an increase in insurance rates approximately 15%; Linda Murphy submitted her evaluation report of the Pascack Valley DPW cost allocators; Joe mentioned he will schedule an Advisory committee meeting to further discuss her findings.*

**UNFINISHED BUSINESS:**

*Mayor Ghassali mentioned 3 more towns have committed to the affordable housing coalition; he will have a complete list of towns in the next few weeks*

**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 Cudequest – all ayes*

*No Public Comment*

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

**ADJOURNMENT:**

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

*Meeting adjourned at 7:55pm*

**Respectfully submitted, Frances Scordo, Municipal Clerk**