

**AGENDA
PUBLIC MEETING
BOROUGH OF MONTVALE
Mayor and Council Meeting
February 27, 2024
No Closed Executive Session
Meeting to Commence 7:30 P.M.**

ROLL CALL:

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

PROCLAMATION: April 20, 2024 – Arbor Day

ORDINANCES:

PUBLIC HEARING OF ORDINANCE NO. 2024-1549 AN ORDINANCE TO AMEND SALARY ORDINANCE NO. 2023-1538 TO PROVIDE FOR AND DETERMINE THE RATE, AMOUNT AND METHOD OF PAYMENT OF COMPENSATION TO PERSONS HOLDING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF MONTVALE FOR THE YEAR 2024

PUBLIC HEARING OF ORDINANCE NO. 2024-1550 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 170 OF THE BOROUGH CODE TO AMEND CERTAIN SUBCODE FEES

PUBLIC HEARING OF ORDINANCE NO. 2024-1551 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 181 OF THE BOROUGH CODE TO PROHIBIT THE SALE OF DOGS AND CATS BY RETAIL STORES

MEETING OPEN TO PUBLIC:

Agenda Items Only

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

February 8, 2024

CLOSED/EXECUTIVE MINUTES:

None

RESOLUTIONS:

- 63-2024 Authorize The Cancellation of All Future Taxes Due To Granting Of Totally Disabled Veteran Status By Department Of Veterans Affairs
64-2024 Refund Overpayment of Taxes - Due to Veteran Exempt Status – Sergio Lopez

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.

- 62-2024 Authorize Change Order No. 1 – 60-Ton HVAC Roof Unit Installation Project for Montvale Borough Hall - C. Dougherty & Co., Inc

RESOLUTIONS: (CONSENT AGENDA*) - continued

- 65-2024 Authorize Change Order No. 2 – NJDOT FY 2021 Various Streets, Craig Road - American Asphalt & Trucking, LLC
- 66-2024 Resolution Of The Borough of Montvale, County Of Bergen, Opposing Assembly Bill No. 4/Senate Bill No. 50, Which Proposes To Over hall The Fair Housing Act ("FHA") In A Way That Imposes Unrealistic Obligations With Unrealistic Deadlines Based Upon Onerous Standards
- 67-2024 Authorize the submission of an application for the 2024 NJDCA Local Recreation Improvement Grant
- 68-2024 Authorizing the Advertisement for Receipt of Proposals for Banking Services
- 69-2024 Authorizing an Agreement with Livingston Energy Group for Four (4) 180kW DCFC Electric Vehicle Charging Units and Five (5) Years of Operation of Said Units at No Cost to the Borough
- 70-2024 Amending Resolution No. 47-2024 To Establish Recreational Fees for Year 2024

BILLS:

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

ATTORNEY'S REPORT:

Dave Lafferty, Esq.
Report/Update

ADMINSTRATOR'S REPORT:

Joe Voytus
Report/Update

UNFINISHED BUSINESS:

None

NEW BUSINESS:

- a. Discussion – Fourth Round Vacant Land Adjustment Analysis

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.

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

Regular Meeting of the Mayor & Council to be held Thursday, March 14, 2024 at 7:30pm

*******Disclaimer***** Subject to Additions And/Or Deletions**

Borough of Montvale **PROCLAMATION**

February 27, 2024

W *HEREAS*, in 1872, J Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

W *HEREAS*, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and is observed nation-wide.

W *HEREAS*, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

W *HEREAS*, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, and

W *HEREAS*, trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community.

N *OW, THEREFORE*, the Borough Council and I, Michael N. Ghassali, Mayor of the Borough of Montvale, County of Bergen, State of New Jersey, Do hereby proclaim April 20, 2024 as **Arbor Day**, and urge all citizens to support efforts to protect our trees and plant and care for trees to gladden the heart and promote the well-being of this and future generations.

Michael N. Ghassali, Mayor

Dated

**BOROUGH OF MONTVALE
ORDINANCE NO. 2024-1549**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on January 30, 2024 and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on February 27, 2024 at 7:30pm or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Frances Scordo, Municipal Clerk
Borough of Montvale

AN ORDINANCE TO AMEND SALARY ORDINANCE NO. 2023-1538 TO PROVIDE FOR AND DETERMINE THE RATE, AMOUNT AND METHOD OF PAYMENT OF COMPENSATION TO PERSONS HOLDING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF MONTVALE FOR THE YEAR 2024

BE IT ORDAINED BY the Mayor and Council of the Borough of Montvale as follows:

SECTION 1. Each of the offices and positions of employment hereinafter named that are not established or created by virtue of any statutes or of any ordinance, resolution, or other lawful authority heretofore exercised by the Borough of Montvale, is hereby established, created, ratified and confirmed.

SECTION 2. The rate of compensation of the persons holding any of the hereinafter named offices and positions of employment whose compensation shall be on an annual basis and shall be payable semi-monthly is hereby fixed and determined to be as set opposite the title of each of the hereinafter named offices and positions of employment.

Title		2024 Salary Range
1	Borough Administrator	\$110,000 - \$150,000
2	Safety Coordinator	\$5,000 - \$8,000
3	Chief Financial Officer (PT)	\$21,000 - \$30,000
4	Municipal Clerk	\$85,000 - \$110,000
5	Municipal Clerk (PT)	\$65,000 - \$85,000
6	Deputy Municipal Clerk (PT)	\$20,000 - \$55,000
7	Admin. Assistant to Administrator	\$40,000 - \$65,000
8	Tax Collector (PT)	\$62,000 - \$80,000
9	Tax Assessor	\$37,000 - \$45,000
10	Treasurer/Purchasing Agent	\$78,000 - \$110,000
11	Deputy Treasurer	\$55,000 - \$65,000
12	Accounts Payable Clerk	\$42,000 - \$55,000

Title		2024 Salary Range	
13	Secretary, Planning Board/Land Use Admin. (PT)	\$83,000	- \$105,000
14	Planning Board Secretary Special Meetings	\$45	- \$65/hour
15	Board Secretary, Clerical/Recording	\$130	- \$160
16	Office Manager (PT)	\$4,000	- \$10,000
17	Board of Health Secretary (PT)	\$7,000	- \$10,000
18	Registrar Vital Statistics	\$1,000	- \$6,000
19	Deputy Registrar Vital Statistics	\$500	- \$2,500
20	Construction Official	\$72,000	- \$100,000
21	Building Subcode Official and Inspector (PT)	\$30,000	- \$45,000
22	Zoning Officer (PT)	\$5,000	- \$11,000
23	Building Subcode and Special Inspections	\$50	- \$80/hour
24	Administrative Assistant – Planning Board Assistant/ Confidential Secretary/ Board Secretary/ Departmental Coordinator/ Floater	\$40,000	- \$70,000
25	Facilities Manager, Buildings & Grounds and Property Inspector	\$20,000	- \$30,000
26	Property Maintenance Officer (PT)	\$20,000	- \$25,000
27	Construction Dept. Technical Assistant	\$50,000	- \$70,000
28	Plumbing Subcode Official and Inspector (PT)	\$30,000	- \$45,000
29	Plumbing Subcode and Special Inspections	\$50	- \$80/hour
30	Fire Subcode Official and Inspector (PT)	\$30,000	- \$45,000
31	Fire Subcode and Special Inspections	\$50	- \$80/hour
32	Electrical Subcode Official and Inspector (PT)	\$30,000	- \$45,000
33	Electrical Subcode and Special Inspections	\$50	- \$80/hour
34	Fire Prevention Official	\$65,000	- \$85,000
35	Fire Inspector/ Senior/Deputy Fire Official	\$7,600	- \$30,000
36	Fire Prevention Secretary (PT)	\$1,000	- \$3,000
37	Municipal Court Administrator	\$75,000	- \$95,000
38	Deputy Municipal Court Administrator	\$55,000	- \$75,000

39	Court Security	\$20	- \$27/hour
40	Violations Clerk	\$40,000	- \$60,000
41	Police Secretary	\$42,000	- \$60,000
42	Administrative Assistant for Police Chief	\$50,000	- \$65,000
43	Emergency Mgmt. Coordinator	\$5,000	- \$15,000
44	Deputy Emergency Mgmt. Coordinator	\$3,000	- \$6,000
45	Library Director	\$80,000	- \$105,000
46	Library – Library Adult Services	\$55,000	- \$70,000
47	Library (PT)	\$15.13	- \$55/hour
48	Library (PT) meetings	\$120	- \$225/mtg.
49	Construction Dept. Clerk	\$40,000	\$60,000
49A	Construction Dept. Clerk (PT)	\$20,000	- \$30,000
50	Director of Recreation	\$52,000	- \$70,000
51	Recreation Assistant	\$40,000	- \$55,000
51A	Recreation Assistant (PT)	\$20,000	- \$27,500
52	Recreation Summer Camp Stipend	\$2,000	- \$6,000
53	Summer Camp Counsellors	\$500	- \$2,000
54	Park Monitor (PT)	\$20	- \$26/hour
55	Van Drivers (PT)	\$20	- \$25/hour
56	Station Technicians (PT)	\$15	- \$20/hour
57	Booker Cable Access TV	\$3,000	- \$6,000
58	Archivist Records Manager/D.A.R.M. (PT)	\$25	- \$28/hour
59	Clerical/Recording Special Meetings	\$20	- \$40/hour
60	Deputy Construction Official	\$75,000	- \$85,000
61	Wellness Coordinator (PT)	\$500	- \$1,000
62	Wellness Incentive Participants	\$300	- \$500
63	Executive Assistant to Police Chief	\$60,000	- \$80,000
64	Coordinator, Off-Duty Details (PT)	\$10,000	- \$15,000
65	Municipal Housing Liaison	\$4,000	- \$8,000
66	Deputy Municipal Housing Liaison	\$3,000	- \$5,000

SECTION 3. The rate of compensation of the persons holding any of the hereinafter named offices, whose compensation shall be on an annual basis and payable semi-monthly, is hereby fixed and determined as follows:

Title		2024 Salary Range
A.	Municipal Judge	\$40,000 - \$45,000
B.	Mayor	\$8,000 - \$10,000
C.	Councilpersons (each)	\$6,500 - \$8,000

SECTION 4: The rate of compensation of persons holding any of the hereinafter named offices in the Police Department, whose compensation shall be on an annual basis, and payable semi-monthly, is hereby fixed and determined as follows:

Title		2024 Salary Range
A.	Chief	\$220,000 - \$250,000
B.	Captain	\$200,000 - \$225,000
C.	Lieutenant (Base Wage)	\$171,892 - \$176,705
D.	Sergeants (Base Wage)	\$159,956 - \$164,434
E.	Detective – Additional per year	\$4,500 - \$5,500
F.	Juvenile Officer – Addt'l per year	\$400 - \$400
G.	Asst. Juvenile Officer – Addt'l per year	\$350 - \$350
H.	Special Police Officer Class III (SLEO)	\$50,000 - \$60,000
I.	Special/Auxiliary Police	\$22/hour - \$28/hour
J.	School Cross Guard/Police Matrons	\$22/hour - \$28/hour

SECTION 4A: The rate of compensation of persons holding any of the hereinafter named offices in the Police Department whose compensation shall be on an annual basis, and payable semi-monthly, is fixed and determined as follows:

Police Officers Schedule (Base Wage Each)			
0-6 months	\$48,733	-	\$50,098
6 months – 1 year	\$55,814	-	\$57,377
1 – 2 years	\$62,894	-	\$64,655
2 – 3 years	\$77,053	-	\$79,211
3 – 4 years	\$91,213	-	\$93,767
4 – 5 years	\$105,372	-	\$108,322
5 – 6 years	\$119,530	-	\$122,877
6 – 7 years	\$133,691	-	\$137,435
7 – 8 years	\$147,850	-	\$151,990

SECTION 4B: In addition to the compensation stated above, Full Time Employees in Section 4 and Section 4A (excepting the Chief, Captain, and any other employee whose contract specifically excludes longevity), shall be paid an annual longevity increment pursuant to the following schedule:

Years of Service	Officers Hired BEFORE January 1, 2006	Officers Hired AFTER January 1, 2006
Beginning five (5) years	1%	-
Beginning seven (7) years	2%	-
Beginning nine (9) years	3%	1%
Beginning eleven (11) years	4%	2%
Beginning thirteen (13) years	5%	3%
Beginning fifteen (15) years	6%	4%
Beginning seventeen (17) years	7%	5%
Beginning nineteen (19) years	8%	6%
Beginning twenty-one (21) years	-	7%
Beginning twenty-two (22) years	-	8%
Beginning twenty-four (24) years	9%	9%

SECTION 5. The Borough Treasurer shall present semi-monthly or as established by Resolution to the Governing Body for approval warrants drawn to the order of the Borough of Montvale Payroll Account and the Borough of Montvale Salary Account.

At the first meeting of the Governing Body in January of each year, there shall be approved accounts to be designated "The Borough of Montvale Payroll Account" and "The Borough of Montvale Salary Account" and from time to time the Borough Treasurer upon receipt of a warrant for the amount due each Payroll, shall deposit the same to the credit of these accounts, charging the appropriate budgetary accounts therewith. The Borough Treasurer shall thereafter draw checks on said accounts to the employees entitled to payment therefrom.

Any employee hired under the terms of a Special Library Grants; salary will be determined by the Authority making such grant.

The Mayor and Borough Council may by adoption of a resolution and by approved payroll advice, increase compensation (base wage adjustment or one-time merit/bonus increase) of any salaried employee in the above schedule, who has reached their maximum, up to 10% above the pay range maximum.

At each regular meeting of the Governing Body of the Borough of Montvale, the Treasurer shall submit for the approval or ratification as the case may be, the necessary payroll amounts due to the several officers and employees for compensation.

Such officers as may be determined by the Governing Body, as established by resolution, shall be authorized to sign warrants drawn in favor of the Payroll Account, upon due notice that the payrolls have been approved by the proper certifying authorities.

SECTION 6. This ordinance shall be operative as of the date of its adoption and publication as required by law, and salaries paid shall be adjusted in accordance with the terms of this ordinance.

SECTION 7. All other ordinances and parts of ordinances inconsistent herewith are hereby appealed.

SECTION 8. This ordinance shall take effect immediately upon publication in the manner provided by Law.

MICHAEL GHASSALI, Mayor

ATTEST:
FRANCES SCORDO
Municipal Clerk

INTRODUCTION: 1-30-24

Councilmember	Yes	No	Absent	Abstain
Arendacs	✓			
Cudequest	✓			
Koelling	✓			
Lane	✓			
Roche	✓			
Russo-Vogelsang			✓	

ADOPTED: 2-27-24

Councilmember	Yes	No	Absent	Abstain
Arendacs				
Cudequest				
Koelling				
Lane				
Roche				
Russo-Vogelsang				

**BOROUGH OF MONTVALE
ORDINANCE NO. 2024-1550**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on January 30, 2024 and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on February 27, 2024 at 7:30pm or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Frances Scordo, Municipal Clerk
Borough of Montvale

**AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING
CHAPTER 170 OF THE BOROUGH CODE TO AMEND CERTAIN SUBCODE FEES**

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

Section 1. Chapter 170, "Construction Codes, Uniform," Section 10, "Construction permit," shall be amended to add the underlined text and delete the bracketed text, as follows:

§170-10 Construction permit.

The fee for a construction permit shall be the sum of the subcode fees listed hereinafter, plus all applicable special fees listed herein, and shall be paid before the permit is issued. All fees are to be rounded to the nearest dollar amount.

A. The building subcode fees shall be:

- (1) New construction: [\$0.055 per cubic foot of building or structure volume.]
 - (a) New construction for Residential Use Group R5: \$0.060 per cubic foot of building or structure volume.
 - (b) New construction for all other use groups: \$0.065 per cubic foot of building or structure volume.
- (2) Minimum fee for new construction: [\$250.]
 - (a) New construction for Residential Use Group R5: \$250.
 - (b) New construction for all other use groups: \$750.
- (3) Additions: [\$0.055 per cubic foot of building or structure volume.]
 - (a) Additions for Residential Use Group R5: \$0.060 per cubic foot of building or structure volume.
 - (b) Additions for all other use groups: \$0.065 per cubic foot of building or structure volume.
- (4) Minimum fee for additions: [\$150.]
 - (a) Additions for Residential Use Group R5: \$150.
 - (b) Additions for all other use groups: \$500.

(5) Alterations or renovations: \$20 per \$1,000 of the estimated cost of construction.

(6) Minimum fee for alterations or renovations: \$150.

(7) All other fees shall be as follows:

(a) Roofs:

[1] Residential: no fee.

[2] Commercial: \$200.

(b) Siding: no fee.

(c) Pools:

[1] Aboveground: \$100.

[2] In-ground: \$200 plus C.O. fee.

(d) Sheds (over 100 square feet): \$150.

(e) Tennis courts: \$250.

(f) Asbestos/lead abatement: \$75.

(g) Tank installation:

[1] Residential: \$100.

[2] Commercial: \$150.

(h) (Reserved)

(i) Stoves (fuel-burning): \$75.

(j) Fences: \$75.

(k) Demolition:

[1] Principal residential: \$400.

[2] Accessory residential: \$150.

[3] Commercial: \$750.

(l) Air conditioning:

[1] Residential: \$75.

[2] Commercial: \$20 per \$1,000.

(m) Radon: \$60.

(n) Certificate of occupancy:

[1] Residential (N S F D): \$150.

[2] Residential (addition): \$100.

[3] Others (less than 10,000 square feet): \$150.

[4] Others (10,000 square feet and above): \$300.

(o) Certificate of compliance for asbestos: \$20.

(p) Signs:

[1] Thirty square feet or less: \$50.

[2] Over 30 square feet: \$100.

(q) All accessory structures not specifically mentioned above: \$100.

B. Plumbing subcode fees shall be:

(1) Minimum fee:

- (a) Residential: [\$75.] \$100.
 - (b) Commercial: \$150.
 - (2) Residential (per fixture): \$20.
 - (3) Commercial (per fixture): \$25.
 - (4) Other fees shall be as follows:
 - (a) Piping (or fuel oil): \$70.
 - (b) Sewer connection: \$75.
 - (c) Water service connection: \$75.
 - (d) Water heater:
 - [1] Residential: \$100.
 - [2] Commercial: \$100.
 - (e) Boiler:
 - [1] Residential: [\$75.] \$100.
 - [2] Commercial: [\$100.] \$125.
 - (f) Sewer pump:
 - [1] Residential: \$75.
 - [2] Commercial: \$100.
 - (g) Air conditioning:
 - [1] Residential: [\$75.] \$100.
 - [2] Commercial: [\$100.] \$125.
 - (h) Swimming pools:
 - [1] Residential: [\$75.] \$100.
 - [2] Commercial: [\$100.] \$125.
 - (i) Interceptor/separator: \$75.
 - (j) Backflow preventer: \$75.
 - (k) Refrigeration unit: \$75.
 - (l) Chimney liner: \$75.
 - (m) Furnace: \$75.
 - (n) All other devices:
 - [1] Residential: [\$75.] \$100.
 - [2] Commercial: [\$100.] \$125.
- C. The electrical subcode fees shall be:
- (1) Minimum fee:
 - (a) Residential: [\$75.] \$125.
 - (b) Commercial: \$150.
 - (2) Fixtures and receptacles:
 - (a) One to 50: \$75.
 - (b) Each additional 25: \$30.
 - (3) Motors:

- (a) One-eighth horsepower to one horsepower: \$30.
- (b) One horsepower to 10 horsepower: \$40.
- (c) Ten horsepower to 50 horsepower: \$50.
- (d) Fifty horsepower to 100 horsepower: \$100.
- (e) One hundred horsepower and over: \$400.
- (4) Electrical devices:
 - (a) One kilowatt to 10 kilowatt: \$75.
 - (b) Ten kilowatt to 45 kilowatt: \$100.
 - (c) Forty-five kilowatt to 112.5 kilowatt: \$200.
 - (d) 112.5 kilowatt and over: \$400.
- (5) Service:
 - (a) Two hundred ampere: [\$100.] \$125.
 - (b) Six hundred ampere: [\$125.] \$500.
 - (c) One thousand ampere: [\$150.] \$600.
 - (d) Over 1,000 ampere: [\$300.] \$650.
 - (e) Temporary service: \$75.
- (6) Generators/transformers:
 - (a) One kilowatt to 7.5 kilowatt: \$75.
 - (b) 7.5 kilowatt to 30 kilowatt: \$100.
 - (c) Thirty kilowatt to 60 kilowatt: \$125.
 - (d) Sixty kilowatt to 112.5 kilowatt: \$200.
 - (e) Over 112.5 kilowatt: \$600.
- (7) Other fees shall be as follows:
 - (a) Heat, smoke, burglar detectors, data, telephone, intercoms:
 - [1] Residential: \$75.
 - [2] Commercial one to 25: \$150.
 - [3] Each additional 25: \$40.
 - (b) Bonding: [\$50.] \$100 per pool.
 - (c) Pools, whirlpools, spas with bonding: \$75.
 - (d) Light standards:
 - [1] One to 10: \$75.
 - [2] Each additional: \$10.
 - (e) Trench inspections: \$50.

D. Fire subcode fees shall be:

- (1) Minimum fee:
 - (a) Residential: \$75.
 - (b) Commercial: \$150.
- (2) Detectors and sprinkler heads:
 - (a) One to 50: \$200.

- (b) 51 to 100: \$250.
- (c) 101 to 200: \$300.
- (d) 201 to 400: \$600.
- (e) Over 400: \$1,000.

(3) Suppression systems:

- (a) Fire pump: \$250.
- (b) Dry pipe, alarm valves, preaction valves, standpipes:
 - [1] 2.5-inch pipe: \$75.
 - [2] Four-inch pipe: \$125.
 - [3] Six-inch pipe: \$175.
 - [4] Eight-inch pipe: \$225.
 - [5] Over eight inches: \$275.

(4) Other fees shall be as follows:

- (a) Storage tanks, flammable, combustible, LPG:
 - [1] Residential: \$200.
 - [2] Commercial \$400.
- (b) Alarm devices, supervisory, signaling:
 - [1] Residential: \$75.
 - [2] Commercial:
 - [a] First 1 through 10: \$200.
 - [b] Eleven to 50: \$20 each.
 - [c] Over 50: \$25 each.
- (c) Kitchen hood exhaust systems:
 - [1] Residential: \$75.
 - [2] Commercial: \$200.
- (d) Gas/oil-fired appliance: \$75.
- (e) Wood stoves: \$75.
- (f) Preengineered systems: \$125.
- (g) Pool heater: \$75.
- (h) Solar panels:
 - [1] Residential: \$75.
 - [2] Commercial: \$200.
- (i) Tank removal:
 - [1] Residential: \$100.
 - [2] Commercial: \$150.

E. Elevator fees shall be as set forth in N.J.A.C. 5.23 Subchapter 12.

(1) Acceptance test. The fee for elevators in structures not in Use Groups R-3 and R-4 shall be as follows:

- (a) Traction and winding drum elevators:

- [1] One to 10 floors: \$340; administrative fee: \$68.
 - [2] Over 10 floors: \$567; administrative fee: \$113.
 - [3] Hydraulic elevators: \$302; administrative fee: \$60.
 - [4] Rope hydraulic elevator: \$340; administrative fee: \$68.
 - [5] Escalator and moving walks: \$302; administrative fee: \$60.
 - [6] Dumbwaiter: \$76; administrative fee: \$15.
 - [7] Stairway chair lift, incline and vertical wheelchair and man lift: \$76; administrative fee: \$15.
- (2) Additional charges for device equipped with the following features shall be as follows:
- (a) Oil buffers: \$60; administrative fee: \$12.
 - (b) Counterweight governor and safeties: \$151; administrative fee: \$30.
 - (c) Auxiliary power generator: \$114; administrative fee: \$23.
- (3) The fee for elevator devices in structures in Use Groups R-3 and R-4 shall be per N.J.A.C. 5:23-12.6(a)3: \$227; administrative fee: \$45.
- (4) The fee for witnessing acceptance test of and performing inspections of alterations shall be per N.J.A.C. 5:23-12.6(a)4: \$100; administrative fee: \$25.
- (5) The fee for routine six-month tests and inspections for elevator devices in structures not in Use Groups R-3 and R-4 shall be as follows:
- (a) Traction and winding drum elevators:
 - [1] One to 10 floors: \$190.
 - [2] Over 10 floors: \$244.
 - [3] Hydraulic elevators: \$136.
 - [4] Rope hydraulic elevator: \$190.
 - [5] Escalator and moving walks: \$190.
- (6) The fee for one-year periodic inspection and witnessing of tests of elevator devices, which shall include six-month routine inspection, shall be as follows, per N.J.A.C. 5:23-12.6(b)2.i through iv:
- (a) Traction and winding drum elevators:
 - [1] One to 10 floors: \$302; administrative fee: \$60.
 - [2] Over 10 floors: \$362; administrative fee: \$72.
 - [3] Hydraulic elevators: \$227; administrative fee: \$45.
 - [4] Rope hydraulic elevator: \$302; administrative fee: \$60.
 - [5] Escalator and moving walks: \$484; administrative fee: \$97.
 - [6] Dumbwaiter: \$120; administrative fee: \$24.
 - [7] Stairway chair lift, incline and vertical wheelchair and man lift: \$183; administrative fee: \$37.
- (7) Additional yearly periodic inspection charges for elevator devices equipped with the following features shall be as follows, per N.J.A.C. 5:23-12.6(b)3.i through iii:
- (a) Oil buffers: \$60; administrative fee: \$12.

- (b) Counterweight governor and safeties: \$120; administrative fee: \$24.
 - (c) Auxiliary power generator: \$76; administrative fee: \$15.
 - (8) The fee for three- or five-year inspection of elevator devices shall be as follows, per N.J.A.C. 5:23-12.6(b)4.i and ii:
 - (a) Traction and winding drum elevators:
 - [1] One to 10 floors (five-year inspection): \$513; administrative fee: \$103.
 - [2] Over 10 floors (five-year inspection): \$646; administrative fee: \$129.
 - (b) Hydraulic and roped hydraulic elevator:
 - [1] Three-year inspection: \$387; administrative fee: \$77.
 - [2] Five-year inspection: \$227; administrative fee: \$45.
- F. New Jersey state permit surcharge fee shall be as set forth in N.J.A.C. 5:23-4.19.

Section 2. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 5. Effective Date.

This Ordinance shall become effective upon adoption and publication as required by law.

MICHAEL GHASSALI, Mayor

ATTEST:
FRANCES SCORDO, Municipal Clerk

INTRODUCTION: 1-30-24

Councilmember	Yes	No	Absent	Abstain
Arendacs	✓			
Cudequest	✓			
Koelling	✓			
Lane	✓			
Roche	✓			
Russo-Vogelsang			✓	

ADOPTED: 2-27-24

Councilmember	Yes	No	Absent	Abstain
Arendacs				
Cudequest				
Koelling				
Lane				
Roche				
Russo-Vogelsang				

**BOROUGH OF MONTVALE
ORDINANCE NO. 2024-1551**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on February 8, 2024 and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on February 27, 2024 at 7:30pm or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Frances Scordo, Municipal Clerk
Borough of Montvale

AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 181 OF THE BOROUGH CODE TO PROHIBIT THE SALE OF DOGS AND CATS BY RETAIL STORES

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

Section 1: Chapter 181, "Dogs and Other Animals," of the Code of the Borough of Montvale Ordinances is hereby amended and supplemented by adding a new Article III, "Certain Sales Prohibited," as follows:

**Article III
Certain Sales Prohibited**

§181-26	Definitions.
§181-27	Prohibition on Sale of Dogs or Cats by Retail Pet Stores.
§181-28	Penalty for violation.

§181-26	Definitions.
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For the purposes of this Article, the following terms shall have the following meanings:

Retail pet store means a commercial establishment that sells or offers for sale animals on its premises at retail.

Sell or offer for sale means to display for sale or to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer.

Animal rescue organization means a non-profit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes. "Animal rescue organization" does not include any entity that breeds animals or that (1) is located on the same premises as; (2) has any personnel in common with; (3) obtains, in exchange for payment or any other form of compensation, dogs or cats from; or (4) facilitates the sale of dogs or cats obtained from a person that breeds animals.

Animal shelter means a facility, whether located in or outside the State of New Jersey, that is authorized to do business within the Borough of Montvale for the purpose of impounding or caring for seized, stray, homeless, abandoned, unwanted, or surrendered animals.

§181-27 Prohibition on Sale of Dogs or Cats by Retail Pet Stores.

- A. Notwithstanding any other provision of law to the contrary, it is unlawful for a retail pet store, as defined in this Article, to sell or offer for sale a dog or a cat.
- B. Nothing in this section shall be construed to prohibit a retail pet store from providing space to an animal rescue organization or an animal shelter, as defined in this Article, to publicly showcase dogs or cats available for adoption.

§181-28 Penalty for violation.

Any violation of this Article shall be subject to the penalties set forth in Chapter 1, General Provisions, Article I, General Penalty. Each sale or offer for sale in violation of this Article shall constitute a separate offense.

Section 2. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 5. Effective Date.

This Ordinance shall become effective upon adoption and publication as required by law.

MICHAEL GHASSALI, Mayor

ATTEST:
FRANCES SCORDO, Municipal Clerk

INTRODUCTION: 2-08-24

Councilmember	Yes	No	Absent	Abstain
Arendacs			✓	
Cudequest	✓			
Koelling	✓			
Lane	✓			
Roche	✓			
Russo-Vogelsang	✓			

ADOPTED: 2-27-24

Councilmember	Yes	No	Absent	Abstain
Arendacs				
Cudequest				
Koelling				
Lane				
Roche				
Russo-Vogelsang				

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held in Council Chambers and called to order at 7:30PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Eagle Scout Colin Hill 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 Mike Ghassali; Borough Attorney, Dave Lafferty; Borough Engineer, Andy Hipolt; Administrator, Joe Voytus; and Municipal Clerk, Fran Scordo

ROLL CALL:

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

Eagle Scout Project – Colin Hill

Proposed to build an information board by Huff Pond, it will be covered with benches on each side 9ft tall also included will be a bicycle repair station. The time table will be by baseball season. The engineer mentioned a permit is needed for the project, which the fees will be waived. All councilmembers agreed on the project.

ORDINANCES:

INTRODUCTION OF ORDINANCE NO. 2024-1551 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 181 OF THE BOROUGH CODE TO PROHIBIT THE SALE OF DOGS AND CATS BY RETAIL STORES
(public hearing 2-27-24)

A motion to Introduce Ordinance 2024-1551 for first reading was made by Councilmember Russo- Vogelsang; seconded by Councilmember Lane; Clerk read by title only; Councilmember Roche made a motion that this ordinance be passed on first reading and advertised in The Bergen Record; seconded by Councilmember Cudequest - a roll call was taken – all ayes

MEETING OPEN TO PUBLIC:

Agenda Items Only

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

Carolee Adams

Mentioned that today is National Boy Scout Day, 114 years of the Boy Scouts. Shout out to Troop #334.

Lacey Ackerman, Woodcliff Lake

Mentioned that Woodcliff Lake already passed this ordinance as well as some surrounding towns. The ordinance is beneficial to public health, studies showed that animals put up for adoption through shelters and rescue organizations are much healthier.

BOROUGH OF MONTVALE

FEBRUARY 8, 2024

Bonnie Dickenson

She runs a small animal rescue store. Bergen County Animal Shelter has a new Director.
Encouraged council to pass ordinance.

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

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

Budget Meeting, January 29, 2024

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

January 30, 2024

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

CLOSED/EXECUTIVE 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.

60-2024 Resolution Of The Borough of Montvale, County Of Bergen, Opposing Assembly Bill No. 4/Senate Bill No. 50, Which Proposes To Overhaul The Fair Housing Act ("FHA") In A Way That Imposes Unrealistic Obligations With Unrealistic Deadlines Based Upon Onerous Standards

WHEREAS, in 1983, the Supreme Court decided a landmark case, commonly referred to as Mount Laurel II, wherein it created an easy standard for developers to satisfy to secure a "builder's remedy" and also established standards to provide general guidance to the newly appointed Mount Laurel judges as to an appropriate fair share formula; and

WHEREAS, the State exploded with builder's remedy lawsuits in the wake of Mount Laurel II seriously depriving many municipalities of their home rule power to zone and control their destiny; and

WHEREAS, in 1984, Judge Serpentelli decided the AMG case in which he established a fair share formula that generated high fair share responsibilities that were widely regarded as grossly excessive; and

WHEREAS, the combination of the avalanche of builder's remedy lawsuits precipitated by Mount Laurel II and the grossly excessive fair share responsibilities generated by the AMG formula fueled a movement for a legislative response to the Mount Laurel doctrine; and

The Fair Housing Act of 1985

WHEREAS, a week after Judge Serpentelli issued the AMG decision, committees of the Legislature started to meet to develop affordable housing legislation; and

WHEREAS, the legislators on both sides of the aisle recognized that any legislation had to be bipartisan to work; and

WHEREAS, those efforts culminated in the adoption of the Fair Housing Act ("FHA") by both houses early in 1985; and
WHEREAS, on July 2, 1985 -- less than a year after Judge Serpentelli decided the AMG case -- former Governor Kean signed the New Jersey Fair Housing Act ("FHA") into law to curb the excesses caused by Mount Laurel II and to restore balance to legitimate public purposes; and
WHEREAS, more specifically, the Legislature enacted the FHA to restore home rule, to bring the fair share numbers back to reality and to reduce the burdens of Mount Laurel compliance; and
WHEREAS, more specifically, the FHA sought to *restore home rule* by imposing a moratorium on the builder's remedy and by providing an administrative process that municipalities could voluntarily pursue wherein they would be insulated from developers seeking builder's remedies to try to compel them to capitulate their zoning demands; and
WHEREAS, the FHA sought to *bring the fair share numbers back to reality* by among other things defining the prospective need as the need "based on development and growth which is reasonably likely to occur" and by calling for the fair share to be adjusted to a number lower than the fair share formula generated if the municipality lacked sufficient land to satisfy the obligation generated by the fair share formula; and
WHEREAS, the FHA sought to *reduce the burdens on municipalities* by prohibiting any requirement for municipalities to expend their own resources to comply; and

The New Jersey Council on Affordable Housing

WHEREAS, the FHA created COAH and conferred "primary jurisdiction" on COAH to administer the FHA and to implement the affordable housing policies of our State; and
WHEREAS, FSHC argued "that COAH's enabling legislation established such a delicate balance of control, as evidenced not only by its use of the phrase "in but not of," but also by its detailed attention to the composition of its Council. Accordingly, the Legislature could not have intended to allow the Governor to unilaterally disrupt that balance" *In re Plan for Abolition of Council on Affordable Hous.*, 424 N.J. Super. 410, 419-420(App.Div.2012) 419-420; and
WHEREAS, COAH adopted regulations for Round 1 in 1986 and for Round 2 in 1994 to implement the FHA and processed applications by municipalities for approval of their affordable housing plans in accordance with the regulations it adopted; and
WHEREAS, all acknowledged -- even Fair Share Housing Center ("FSHC") -- that COAH functioned just fine in Rounds 1 and 2; and
WHEREAS, the regulations COAH adopted in Round 2 made the obligations for Rounds 1 and 2 cumulative and adjusted the cumulative number downwards because the State did not grow as much as was anticipated in Round 1; and
WHEREAS, COAH's new construction obligation for Rounds 1 and 2 **averaged 5,034.5 units per year**, or 50,345 units for every 10 years as noted in 36 N.J.R. 5748(a) (November 22, 2004), COAH's comment regarding 5:94: Appendix A; and
WHEREAS, COAH's Round 1 and/or 2 regulations permitted a 1-for-1 rental bonus credit for up to 25% of the obligations and provided flexible standards for adjustments predicated upon lack of adequate vacant developable land; and
WHEREAS, the same expert who calculated the Round 2 obligations provided a technical appendix in 2014 when COAH proposed regulations for Round 3; and
WHEREAS, COAH's expert in 2014 calculated a prospective need obligation (then 2014-2024) of less than 40,000 units for the 10-year cycle, plus roughly an additional 23,000 units for the "gap" which were to be phased in between 2014-2034 due to concerns over what could be reasonably anticipated as a result of market absorption; and
WHEREAS, housing advocates attacked the regulations COAH adopted for Round 3 the first time it adopted them in 2004, the second time it adopted them in 2008 and the third time it proposed them in 2014, thereby crippling COAH's ability to certify the plans that municipalities petitioned COAH to

approve because the FHA required that COAH only certify municipalities consistent with its regulations; and

WHEREAS, COAH's inability to certify Round 3 plans severely limited the production of affordable housing in Round 3 because COAH found itself fending off attacks instead of certifying affordable housing plans that municipalities could implement; and

Mount Laurel IV

WHEREAS, in 2015, the Supreme Court issued a decision, commonly referred to as Mount Laurel IV, in response to a motion to transfer the responsibilities of COAH back to the courts; and

WHEREAS, in Mount Laurel IV, the Supreme Court returned the task of implementing the doctrine back to the Courts because COAH had failed to do its job; and

WHEREAS, notwithstanding the foregoing, the Court emphasized that it preferred the administrative remedy created by the FHA to a judicial one and hoped that one day COAH would be effective so that towns could comply once again through the administrative process created by the FHA; and

WHEREAS, transferring the implementation of the doctrine from COAH back to the courts deprived the citizens of our State of an evenly balanced administrative body with four representatives of municipalities and four representatives of low- and moderate-income ("LMI") households adopting regulations consistent with the FHA and processing petitions for substantive certification; and

WHEREAS, the Court process proved to be far more expensive than the COAH process and was ill-suited for resolving comprehensive planning disputes over affordable housing; and

WHEREAS, even municipalities that complied voluntarily in the newly minted court process were subject to intervention from developers, who were then able to leverage the process, litigate the municipalities into the ground, and often obtain site-specific rezoning contrary to one of the overriding public purposes of the FHA; and

WHEREAS, the judicial process the Supreme Court fashioned in Mount Laurel IV required municipalities to spend municipal resources not only on their own attorneys and planners, but also on Court appointed masters in a litigation process that was much more expensive than the administrative process the legislature established in the FHA; and

WHEREAS, as if that was not bad enough, FSHC routinely demanded that municipalities make a payment to them; and

WHEREAS, the Round 3 process was a disaster with judges pressing municipalities to comply before even establishing the obligations with which they must comply; and

WHEREAS, ultimately, on March 8, 2018, after a 41-day trial in Mercer County, Judge Jacobson issued an opinion in which she set forth a fair share methodology; and

WHEREAS, in that trial and in various other instances throughout the state, FSHC took the position that the Statewide obligation should exceed 300,000 affordable units to be produced between 2015 and 2025; and

WHEREAS, municipalities, through Dr. Robert Powell, presented evidence that the State could only absorb less than 40,000 affordable units, in a best case scenario, and thus argued that FSHC's calculations was not grounded in reality whatsoever; and

WHEREAS, the Court, having been constrained by the Supreme Court to prescriptively utilize a formula from 1993, ultimately concluded that the Statewide obligation to be constructed between 2015-2025 was roughly 153,000 units; and

The 354 Settlements with FSHC

WHEREAS, FSHC reports that it entered 354 settlements in Round 3; and

WHEREAS, many municipalities are reeling under the burden of satisfying their obligations under those settlements entered between 2015 and 2023; and

WHEREAS, Round 4 is set to begin in 2025 and there is no comprehensive analysis on the impacts of the 354 Round 3 settlements and over-zoning described above; and

WHEREAS, indeed, the A4/S50 Bill fails to consider the impact from affordable housing projects that were approved during the Third Round, but are still not yet under construction, as said projects, as well as additional future projects, will impact legitimate public concerns like infrastructure, the environment, schools, traffic, parking and open space; and

WHEREAS, the Round 3 process destroyed the balance achieved by the Fair Housing Act in 1985; and

A-4/S-50

WHEREAS, against the above backdrop, on December 19, 2023, the Housing Committee of the Assembly unveiled the Legislation (A-4) that it stated it had been working on for a long time and scheduled the bill for a vote at a hearing scheduled less than 24 hours later; and

WHEREAS, on December 19, 2023, the Administrative Office of the Courts wrote to the Legislature and made clear that it could not structure the bill in the manner set forth in the proposed legislation; and

WHEREAS, notwithstanding the foregoing, the Housing Committee of the Assembly voted the bill out of Committee and announced that the bill needed to be ready for signing by the Governor before the end of the lame duck session on January 8, 2024; and

WHEREAS, the bill was not rammed through in the lame duck session and on January 16, 2024, the Legislature released a new version of the bill, Assembly Bill No. 4/Senate Bill No. 50 (hereinafter the "A4/S50" or "the Bill"); and

WHEREAS, A4/S50 Bill seeks to abolish the Council on Affordable Housing ("COAH") and purports to reform municipal responsibilities concerning the provision of affordable housing and

WHEREAS, the Bill would purportedly reduce litigation and municipal expenses; and

WHEREAS, A4/S50 details the methodology to be used for determining the fair share numbers of municipalities in Round 4 and in subsequent rounds; and

WHEREAS, the Bill is premised on the proposition that 40 percent of all households qualify as low or moderate; and

WHEREAS, A4/S50 calls for the determination of the prospective need by subtracting the number of households reported in the 2010 Decennial Census from the number of households reported in the 2020 Decennial Census and multiplying that figure by 40 percent; and'

WHEREAS, we calculate that number to be 84,690;

WHEREAS, A4/S50 calls for that number to be adjusted by the number of conversions and demolitions; and

WHEREAS, the statewide fair share would be increased from 84,690 to 96,780, if we assume the same number of demolitions and conversions used by Judge Jacobson in her formula for Round 3; and

WHEREAS, the 96,780 fair share compares to the roughly 211,000 COs issued between 2010 and 2020; and

WHEREAS, the 96,780 fair number divided by 211,000 COs equals roughly 46 percent (45.867 percent to be more precise); and

WHEREAS, all municipalities should be able to cure any violations of the prohibition against exclusionary zoning with inclusionary zoning; and

WHEREAS, traditional inclusionary zoning ordinances generally require no more than 20 percent of the units to be affordable; and

WHEREAS, it is mathematically impossible to satisfy a 46 percent problem with a 20 percent solution and, therefore, the number generated by the statutory formula is patently excessive; and

WHEREAS, while this mathematical error conceptually may have existed at COAH, COAH utilized its discretion to reduce the statewide number to roughly 5,000 units per year in Rounds 1-2 (or lower for prospective need in its attempted regulations in 2014); and

WHEREAS, in addition, COAH's Round 2 regulations had flexible standards, Regional Contribution Agreements (RCAs), an achievable bonus structure, waivers and other flexible standards to further mitigate the problem; and

WHEREAS, had COAH not mitigated the problem, it is likely that the regulations would have been challenged by municipalities; and

WHEREAS, A4/S50 also, systemically, calcifies the Court process and indeed makes critical changes which severely prejudice municipal interests and undercut the incentive to comply voluntarily; and

WHEREAS, in stark contrast to current laws that preserve a municipality's immunity in the absence of proof that the municipality is "determined to be constitutionally noncompliant", A4/S50 creates multiple opportunities to strip municipalities of immunity and expose them to litigation; and

WHEREAS A4/S50 subjects municipalities to litigation not only as they seek approval of their Housing Element and Fair Share Plans, but also even after they secure approval of those plans; and

WHEREAS, more specifically, while A4/S50 provides municipalities a "compliance certification" if the municipality secures approval of its affordable housing plan, that certification only protects municipalities from builder's remedy lawsuits-not from exclusionary zoning lawsuits by FSHC or anyone else who is not seeking a builder's remedy; and

WHEREAS, in stark contrast to the goal of A4/S50 to reduce litigation, A4/S50 dramatically proliferates litigation by providing many opportunities to sue the subject municipality and through other means; and

WHEREAS, even if a municipality, via the adoption of a resolution, accepts the Fourth Round affordable housing obligation numbers that will be promulgated by the Department of Community Affairs (the "DCA") under the A4/S50 Bill, there is still a risk that the affordable housing obligation numbers will increase during the subsequent process required by the bill, as both housing advocates like FSHC and developers can subsequently challenge the fair share number the municipality accepts; and

WHEREAS, the A4/S50 Bill creates a judicial entity made up of 3-7 retired Mount Laurel judges called "The Program", which, unlike COAH, is not comprised of an equal number of municipal and housing representatives, and is not made up of an equal number of Republicans and Democrats, thereby depriving the citizens of our State of the carefully crafted COAH Board that included a diversity of interests and that was the centerpiece of the FHA adopted in 1985; and

WHEREAS, the A4/S50 Bill does not require the promulgation of affordable housing obligations, or the adoption of substantive regulations, in a way that utilizes an open and transparent process that COAH used and that gave all interested parties an opportunity to comment and receive COAH's response to their comments; and

WHEREAS, the A4/S50 Bill reduces, and in some cases completely eliminates affordable housing bonus credits, and creates an overcomplicated and difficult process to obtain the bonus credits that are still available under the bill; and

WHEREAS, the initial version of the A4/S50 Bill allowed for municipalities to utilize age -restricted affordable units to satisfy up to thirty-three percent (33%) of its Fourth Round obligation in recognition that roughly 33 percent of the demand for affordable housing came from this age group; however, the current version of A4/S50 unfairly and unceremoniously reduced the cap on age-restricted housing down to twenty-five (25%); and

WHEREAS, the Legislature previously capped the fair share of any municipality down to 1,000 in recognition that any obligation above 1,000 would be "onerous"; A4/S50 applies the 1,000-unit cap only to a component of the municipality's fair share -- the prospective need -- and authorizes the imposition of an obligation that is onerous; and

WHEREAS, the A4/S50 Bill creates unfair requirements and ambiguity when it comes to the Vacant Land Adjustment process, which could lead to municipalities that lack sufficient vacant land being required to produce more affordable housing units than is practical; and

WHEREAS, the A4/S50 Bill includes many other provisions and changes to the FHA that are impractical and devoid of any consideration of the burdens created by the statute; and

WHEREAS, the Office of Legislative Services (OLS) has not evaluated the formula required by the A4/S50 Bill for calculating a municipality's Fourth Round or Prospective Need Obligation for its magnitude or reasonableness; and

NOW, THEREFORE, BE IT RESOLVED, that for all of the above reasons, the Mayor and Council of the Borough of Montvale, objects to and opposes Assembly Bill No. 4/Senate Bill No. 50, and requests

that the bill be tabled, re-written and re-introduced in way that imposes achievable obligations and facilitates the ability of the municipality to satisfy its obligations.

A certified copy of this resolution shall be sent to the Legislators in the State Assembly and Senate representing our District.

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

Borough attorney explained this is a model resolution that has been circulated among towns in Bergen County to oppose legislation in Trenton regarding affordable housing. The new legislation seeks to make a bad situation worse. Round 4 will create a new authority to decide fair share numbers for each municipality, it will empower fair share housing. The borough administrator stated that the borough should be prepared for what comes next as it seems that the bill will adopted.

61-2024 Authorize Change Order No. 2 - 2023 Road Improvement Program - DLS Contracting, Inc.

WHEREAS, the Borough of Montvale awarded a contract via Resolution No.178-2023 to DLS Contracting, Inc. 36 Montesano Road, Fairfield, New Jersey 07004 for the 2023 Road Improvement Program; and
WHEREAS, the original contract amount including Alternates A, B, C and D was \$709,416.67; and
WHEREAS, the Borough Engineer, in a letter dated January 31, 2024, which is attached to the original of this resolution has been monitoring the project and recommends in full detail the proposed Change Order #2 as a decrease in the amount of (\$132,518.83); and

Contract Amount

Base:	\$488,152.02
Alternate "A":	\$ 36,850.00
Alternate "B":	\$ 26,055.50
Alternate "C":	\$ 57,936.65
Alternate "D":	\$100,422.50
Change Order #1	\$113,117.75
Change Order #2	<u>(\$132,518.83)</u>
Adjusted Total:	\$690,015.59

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Montvale authorize Change Order #2 in the amount of a decrease (\$132,518.83); and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds have been appropriated and are available for this purpose, a copy of said certification attached to the original copy of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that the above reference change order #2 is hereby approved:

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 - January

COMMITTEE REPORTS:

Council President Roche

Summer Camp registration will begin, Monday, March 4. Camp counselors' applications are now available and are due by March 1st.

Chamber of Commerce

Had their kickoff event at KPMG, very well attended. Street Fair will be on June 9th from 10-5

Councilmember Cudequest

Seniors

Have a busy February a lot of events planned; 5 new members have joined.

Library

Valentine Day cello concert will be held on February 10th at 12:00; Feb 15 will be a lecture on how to stay safe; Feb 17 will be a celebration of the Chinese New Year; displays will be set up for Black History month.

Councilmember Lane

Fire Dept

20 calls, 2 drills, 3 work details and 1 work meeting; regarding the house fire, 2 minor injuries, good neighbors who helped; the department is in need of volunteers; this year will be the 100 year anniversary, they will be having fundraisers throughout the year to help with the celebration, check their facebook page for more information.

Finance

Met with all the departments and are now putting the budget all together to see where we are at.

Councilmember Koelling

Police

Monthly report included in original minutes;

Hometown Heros -Veterans

Applications are now available for Veteran banners, the borough will do 50 this year, the goal is to have them up by Memorial Day.

Planning Board

A few use permits were approved; wanted to mention in regards to the assisted living and senior facilities and ambulance service are really straining our ambulance service. We need to have further discussions regarding that.

Councilmember Russo-Vogelsang

Economic Development Committee

Starting to prepare for the next roundtable and reaching out to the new businesses that opened in the last 12 months.

Local BOE

The schools will be engaging in strategic planning. The school has scheduled 2 community meetings on March 18 at 7pm at Fieldstone and April 15 at 7pm at Memorial.

From Dr. Petersen:

Strategic planning is a critical process that allows us to align our vision, mission and resources to best services all students. Your voice matters, and we want our plan to reflect the values and goals of everyone in our community. We want to hear your aspirations for our students and schools. Your feedback will directly inform the strategic priorities and actions in our plan.

New Board Member, Dominic DiSalvo was sworn in on January 8th

Mayor Ghassali

Mentioned about the house fire and Mayor Ghassali spoke with the neighbor who went into the house to get the elderly neighbor out of the house safely. He will nominate her for Congressman Gotthiemer's Hometown Hero Award. Went to the Chamber of Commerce event at KPMG and had the opportunity to meet the new Managing Director of KPMG. KPMG had 2500 employees pre-covid here in Montvale, they downsized to 1600 and only 600 are in person. They are trying to get more employees to be in person.

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

2024 Road Improvement Program

The proposed roads are Maureen Court, Ellsworth Terrace, White Oak Court, Hering Road, donnybrook Road, Crestview Terrace, Cypress Peak Lane, Burdick Road, Wildwood Court, Hollow Wood Lane

Valley View Pump Station

Smoke testing did not find anything; there is 13,000 feet of pipe that runs into the pump station; recommendation will be to video the pipes

ATTORNEY REPORT:

David Lafferty, Esq.

Report/Update

DePiero Farm went before the Planning Board and it will be continued at their next meeting; the borough is ready to close on the property. Update with Veolia purchasing 127 Summit, a closing is scheduled for March. Chestnut Ridge, NY planning board next date possibly in April or May.

ADMINISTRATOR'S REPORT:

Joe Voytus

Report/Update

Huff Pond tree removal had to be done for safety issues, an arborist stated the trunks were 75% hollow. Looking into other options for shade in the area. Attended the Historic Preservation Committee meeting in regards to the designation of the Octagon House. Encourage the public to attend a meeting the recall of historic information going back 50, 60, 70 years is really remarkable

UNFINISHED BUSINESS:

None

NEW BUSINESS:

a. EV Charging Stations

Looking to take advantage of O&R incentives regarding charging stations. The location would be across from the police station in the employee parking lot. Spoke with the Police Chief and he is ok with the location. It would be a 5-year agreement with Livingston who will install the stations that would collect revenue from those parking spaces. After the 5 years, we would then renegotiate a new agreement. *A motion by Councilmember Lane to approve; seconded by Councilmember Cudequest – all ayes*

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 Cudequest; seconded by Councilmember Roche
- all ayes

Cathy Schmidt, 9 Blue Sky Lane

Thank you for considering the ordinance regarding pet sales

Carolee Adams

Wanted an update regarding the benches by senior center; Mentioned some employees from KPMG have a group of Veterans, is it possible to expand banners to them.

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 8:37pm

Regular Workshop Meeting of the Mayor & Council to be held at 7:30pm on February 27, 2024

Respectfully submitted, Frances Scordo, Municipal Clerk

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 62-2024**

RE: Authorize Change Order No. 1 – 60-Ton HVAC Roof Unit Installation Project for Montvale Borough Hall - C. Dougherty & Co., Inc

WHEREAS, the Borough of Montvale awarded a contract via Resolution No.185-2023 to C. Dougherty & Co., Inc. with offices located 7 Washington Avenue, Paterson, NJ 07503; and

WHEREAS, the original contract amount was for Base Bid in the amount of \$197,000.00; and

WHEREAS, the Electrical Sub-Code official has been monitoring the project and recommends the electrical upgrade needs to be completed, quote is attached to the original resolution; and

Contract Amount

Base:	\$197,000.00
Change Order #1	\$ 4,072.54
Adjusted Total:	\$201,072.54

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Montvale authorize Change Order #1 in the amount of \$4,072.54; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds have been appropriated and are available for this purpose, a copy of said certification attached to the original copy of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that the above reference change order #1 is hereby approved:

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

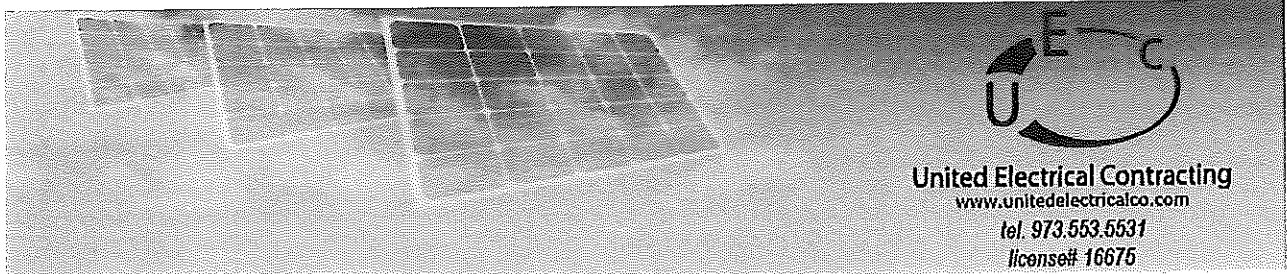
Adopted: February 27, 2024

ATTEST:

Frances Scordo
Municipal Clerk

APPROVED:

Michael Ghassali
Mayor



2/5/2024

ELECTRICAL QUOTE-CHANGE ORDER -1

JOB:
CHILLER REPLACEMENT
AT MONTVALLE MUNICIPAL BUILDING
12 DE PIERO DR.
MONTVALLE NJ

SCOPE OF WORK:
PROVIDE LABOR AND MATERIAL TO REMOVE THE EXISTING CHILLER FEEDER FROM 1 ¼ EMT CONDUIT,
REPAIR AND REUSE EXISTING CONDUITS, REPLACE RUSTED SECTIONS OF CONDUIT ON THE ROOF,
PROVIDE AND PULL A NEW FEEDER (3X #1 AWG AND 1 #6AWG GREEN GROUNDING CONDUCTOR) THROUGH EXISTING 1 ¼ EMT CONDUIT.
THE ESTIMATED COST FOR ALL THE ABOVE SCOPES OF WORK IS AS FOLLOWING:

FOREMAN 8 HOURS RATE \$116.77	TOTAL	\$934.16
1 JOURNEYMAN 48HOURS RATE \$99.81	TOTAL	\$798.48
BURDAN COST, WORKERS COMP,CORP TAX MATCH ETC		\$519.70
MATERIALS AS LISTED ABOVE		\$1450.00
 TOTAL BASE PROJECT COST		 \$3702.34
OVERHEAD AND PROFIT		\$370.20
TOTAL PROJECT COST		\$4072.54

REGARDS,
PETAR KRSTIC
UNITED ELECTRICAL CONTRACTING LLC

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 63-2024**

RE: Authorize The Cancellation of All Future Taxes Due To Granting Of Totally Disabled Veteran Status By Department Of Veterans Affairs

WHEREAS, this resolution authorizes the municipality to cancel all future taxes due to the granting of totally disabled veteran status by the Department of Veterans Affairs per the Department's letter attached to the original resolution, for Sergio Francisco Lopez. Mr. Lopez is the owner of 27 Hering Road, Block 506, Lot 10; 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 cancel all future taxes as per the above.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: February 27, 2024

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 64-2024**

RE: Refund Overpayment of Taxes - Due to Veteran Exempt Status – Sergio Lopez

WHEREAS, a resolution authorizing the Borough of Montvale to refund the following overpayment of taxes; and

WHEREAS, the owner of 27 Hering Road, Sergio Lopez, is totally exempt from taxes due to his Veteran status, his mortgage company made a payment for February 1st installment in the amount of \$3,576.00 which resulted in an overpayment; 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 in the amount of \$3,576.00 to Sergio Lopez, of 27 Hering Road, Montvale, NJ 07645

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: February 27, 2024

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 65-2024**

RE: Authorize Change Order No. 2 – NJDOT FY 2021 Various Streets, Craig Road - American Asphalt & Trucking, LLC

WHEREAS, the Borough of Montvale awarded a contract via Resolution No.77-2022 to American Asphalt & Trucking, LLC 818 Summer Avenue, Newark NJ 07104 for the Various Streets Craig Road Project; and

WHEREAS, the original contract amount was \$185,564.87; and

WHEREAS, the Borough Engineer, in a letter dated February 12, 2024, which is attached to the original of this resolution and has been monitoring the project recommends in full detail the proposed Change Order #2 in the amount of \$945.07; and

Contractor

Total Contract Amount Base Bid	\$ 185,564.87
Change Order #1	\$ 8,101.37
Change Order #2	\$ 945.07
Adjusted Total Contract Amount	\$ 194,611.31

NOW THEREFORE BE IT RESOLVED, By the Governing Body of the Borough of Montvale authorize Change Order #2 in the amount of \$945.07; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds have been appropriated and are available for this purpose, a copy of said certification attached to the original copy of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that the above reference change order #2 is hereby approved.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: February 27, 2024

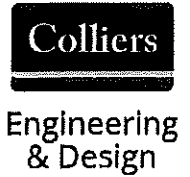
ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

300 Tice Blvd Suite 101
Woodcliff Lake, NJ 07677
Main: 877 627 3772



February 12, 2024

Borough of Montvale
12 DePiero Drive
Montvale, New Jersey 07645
Attn: Joseph Voytus, Borough Administrator

NJDOT FY2021 Various Streets
Borough of Montvale Bergen County, NJ
Contract Change Order No. 2 (Final)
Colliers Engineering & Design Project No. MVB0033

Dear Mr. Voytus,

American Asphalt & Trucking, LLC. is the Contractor for the above-referenced project. The project has been completed and the total completed to date amount is \$194,611.31.

Original Contract Amount	\$ 185,564.87
Change Order 1:	\$ 8,101.37
Change Order 2 (Final):	\$ 945.07
<u>Adjusted Contract Amount</u>	<u>\$ 194,611.31</u>

Change Order No. 2 (Final) represents a 0.48% increase in the total contract cost. Therefore, the revised contract amount is adjusted to \$194,611.31. Our office recommends approval of Change Order No. 2 (Final) in the amount of **\$945.07**.

Thank you for your kind attention to this matter. Please contact me if you have any questions.

Sincerely,

Colliers Engineering & Design, Inc.
(DBA Maser Consulting)

A handwritten signature in black ink, appearing to read "Jamie Giurintano".

Jamie Giurintano, PE, PP, CME
Geographic Discipline Leader

JG/ka

Cc: Mayor and Council (via Borough Clerk)
Fran Scordo, Borough Clerk
Christine Kalafut, Borough Treasurer
Christine Baker, Deputy Treasurer
Dave Lafferty, Esq., Borough Attorney
American Asphalt & Trucking, LLC

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 66-2024**

RE: Resolution Of The Borough of Montvale, County Of Bergen, Opposing Assembly Bill No. 4/Senate Bill No. 50, Which Proposes To Overhall The Fair Housing Act ("FHA") In A Way That Imposes Unrealistic Obligations With Unrealistic Deadlines Based Upon Onerous Standards

Mount Laurel II

WHEREAS, in 1983, the Supreme Court decided a landmark case, commonly referred to as Mount Laurel II; and

WHEREAS, Mount Laurel II and its progeny generated substantial litigation culminating in the enactment of the New Jersey Fair Housing Act in 1985 ("FHA"); and

The Fair Housing Act of 1985

WHEREAS, the Legislature enacted the FHA to restore home rule, to bring the fair share numbers back to reality and to reduce the burdens of Mount Laurel compliance; and

WHEREAS, more specifically, the FHA sought *to restore home rule* by imposing a moratorium on the builder's remedy and by providing an administrative process that municipalities could voluntarily pursue wherein they would be insulated from developers seeking builder's remedies to try to compel them to capitulate their zoning demands; and

WHEREAS, the FHA sought *to bring the fair share numbers back to reality* by among other things defining the prospective need as the need "based on development and growth which is reasonably likely to occur" and by calling for the fair share to be adjusted to a number lower than the fair share formula generated if the municipality lacked sufficient land to satisfy the obligation generated by the fair share formula; and

WHEREAS, the FHA sought *to reduce the burdens on municipalities* by prohibiting any requirement for municipalities to expend their own resources to comply; and

The New Jersey Council on Affordable Housing

WHEREAS, the FHA created COAH and conferred "primary jurisdiction" on COAH to administer the FHA and to implement the affordable housing policies of our State; and

WHEREAS, all acknowledge -- even Fair Share Housing Center ("FSHC") -- that COAH functioned just fine in Rounds 1 and 2; and

WHEREAS, COAH did not adopt valid regulations for Round 3 despite multiple efforts to do so and made no efforts to cure the bottleneck the third time COAH voted 3-3 on Round 3 regulations; and

Mount Laurel IV

WHEREAS, in 2015, the Supreme Court issued a decision, commonly referred to as Mount Laurel IV, in response to a motion to transfer the responsibilities of COAH back to the courts in light of COAH's failure to adopt valid regulations; and

WHEREAS, notwithstanding the foregoing, the Court emphasized that it preferred the administrative remedy created by the FHA to a judicial one and hoped that COAH would be effective so that towns could comply once again through the administrative process created by the FHA; and

WHEREAS, the Court process proved to be far more expensive than the COAH process and was ill-suited for resolving comprehensive planning disputes over affordable housing matters; and

WHEREAS, the Round 3 process was a disaster with judges pressing municipalities to comply before even establishing the obligations with which they must comply; and

WHEREAS, ultimately, on March 8, 2018, after a 41-day trial in Mercer County, Judge Jacobson issued an opinion in which she set forth a fair share methodology; and

WHEREAS, in that trial and in various other instances throughout the state, FSHC took the position that the Statewide obligation should exceed 300,000 to be addressed between 2015 and 2025; and

WHEREAS, municipalities, through Dr. Robert Powell, presented evidence that, in a best case scenario, the State could only absorb less than 40,000 affordable units and thus argued that FSHC's calculations was not grounded in reality whatsoever; and

WHEREAS, the Court, having been constrained by the Supreme Court to prescriptively utilize a formula from 1993, ultimately concluded that the Statewide obligation to be constructed between 2015-2025 was roughly 153,000 units; and

The 354 Settlements with FSHC

WHEREAS, FSHC reports that it entered 354 settlements in Round 3; and

WHEREAS, many municipalities are reeling under the burden of satisfying their obligations under those settlements entered between 2015 and 2023; and

WHEREAS, many of those Round 3 settlements will result in development during the Round 4 period; and

WHEREAS, Round 4 is set to begin on July 1, 2025 and there is no comprehensive analysis on the impacts of the 354 Round 3 settlements and over-zoning described above; and

WHEREAS, indeed, the A4/S50 Bill fails to consider the impact from affordable housing projects that were approved during the Third Round, but are still not yet under construction, as said projects, as well as additional future projects, will impact legitimate public concerns like infrastructure, the environment, schools, traffic, parking and open space; and

WHEREAS, the Round 3 process destroyed the balance achieved by the Fair Housing Act in 1985; and

A-4/S-50

WHEREAS, on December 19, 2023, against the above backdrop, the Housing Committee of the Assembly (a) unveiled the Legislation (A-4) – a detailed 69-page bill that the Chairwoman of the Housing Committee announced had been worked on for a long time; and (b) scheduled the bill for a vote at a hearing scheduled less than 24 hours later; and

WHEREAS, on December 19, 2023, the Administrative Office of the Courts wrote to the Legislature and made clear that it could not structure the bill in the manner set forth in the proposed legislation; and

WHEREAS, notwithstanding the foregoing, on December 20, 2023, the Housing Committee voted the bill out of the Committee and announced that the bill needed to be ready for signing by the Governor before the end of the lame duck session on January 8, 2024; and

WHEREAS, the perception that the Legislative designed was to adopt the bill before the public had an opportunity to review it and provide meaningful comment was as real as it was unmistakable; and

WHEREAS, consequently, the Legislature did not ram the bill through in the lame duck session; and

WHEREAS, instead, on January 29, 2024, the Housing Committee of the Assembly met to consider a new version of A-4 and voted to release it out of the Committee; and

WHEREAS, on February 8, 2024, as a result of comments, letters and resolutions challenging this new version of A-4, the Appropriations Committee of the Assembly announced a number of changes to the Bill; and

WHEREAS, one witness likened the summary presented to the public at the February 8, 2024 Appropriations meeting to that of an auctioneer; and

WHEREAS, the Appropriations Committee voted the bill out of the Committee at its February 8, 2024 meeting before the public had an opportunity to even see the changes, much less process their significance and comment on them; and

WHEREAS, the bill has been improved marginally as it has evolved from its initial version in December of 2023 to the current version voted out of the Appropriations Committee of the Assembly on February 8, 2024; and

WHEREAS, despite elimination of just some of the gross excesses of the prior version of the bill, the current bill released after the February 8, 2024 Appropriations Committee meeting is still severely flawed; and

WHEREAS, the Bill still creates a judicial entity made up of 3-7 retired Mount Laurel judges called "The Program", which, unlike COAH, is not comprised of an equal number of municipal and housing representatives, and is not made up of an equal number of Republicans and Democrats, thereby depriving the citizens of our State of the carefully crafted COAH Board that included a diversity of interests and that was the centerpiece of the FHA adopted in 1985; and

WHEREAS, the Bill still does not require the promulgation of affordable housing obligations, or the adoption of substantive regulations, in a way that utilizes an open and transparent process that COAH used and that gave all interested parties an opportunity to comment and receive COAH's response to their comments; and

WHEREAS, as detailed below, the bill creates a patently unreasonable responsibility on municipalities by imposing an obligation on them to create a realistic opportunity for satisfaction of a fair share that is itself unrealistic; and

WHEREAS, the current version still details the methodology to be used for determining the fair share numbers of municipalities in Round 4 and in subsequent rounds; and

WHEREAS, the current version still presumes that 40 percent of all new households will qualify as low or moderate; and

WHEREAS, the current version still calls for the determination of the prospective need by subtracting the number of households reported in the 2010 Decennial Census from the number of households reported in the 2020 Decennial Census and multiplying that figure by 40 percent; and

WHEREAS, we calculate the statewide need number to be 84,690 based upon the formula set forth in the bill; and

WHEREAS, the current version of the Bill calls for 84,690 to be adjusted by the number of conversions and demolitions; and

WHEREAS, the statewide fair share would be increased from 84,690 to 96,780, if we assume the same number of demolitions and conversions used by Judge Jacobson in her formula for Round 3 that will apply in Round 4; and

WHEREAS, we can estimate the obligation of each municipality if we assume that the same percentage of the regional need in Round 3 for each municipality applies in Round 4; and

WHEREAS, we have widely distributed our estimates and invited input after acknowledging that we have done the best we can to formulate estimates in very limited time; and

WHEREAS, other than an analysis of the allocation factors by an expert for the American Planning Association (Creigh Rahenkamp) who identified problems with the allocation factors, nobody has accepted our invitation to review and comment on our rough estimates; and
WHEREAS, to the contrary, the Executive Director of Fair Share Housing Center testified that he did not have a calculation of the fair share numbers; and

WHEREAS, more importantly, no committee of the Assembly or Senate has identified the fair share obligations municipalities should expect based upon the formula set forth in the bill; and
WHEREAS, the 96,780 fair share number estimated for Round 4 compares to the roughly 211,000 COs issued between 2010 and 2020; and

WHEREAS, the 96,780 fair share number divided by 211,000 COs equals roughly 46 percent (45.867 percent to be more precise); and

WHEREAS, all municipalities should be able to cure any violations of the prohibition against exclusionary zoning with inclusionary zoning; and

WHEREAS, traditional inclusionary zoning ordinances generally require no more than 20 percent of the units to be affordable; and

WHEREAS, it is mathematically impossible to satisfy a 46 percent problem with a 20 percent solution and, therefore, the number generated by the statutory formula is patently excessive; and

WHEREAS, while this mathematical error conceptually may have existed at COAH, COAH utilized its discretion to reduce the statewide number to roughly 5,000 units per year in Rounds 1-2 (or lower for prospective need in its attempted regulations in 2014); and

WHEREAS, in addition, COAH's Round 2 regulations had flexible standards, Regional Contribution Agreements (RCAs), an achievable bonus structure, waivers and other flexible standards to further mitigate the problem; and

WHEREAS, had COAH not mitigated the problem, it is likely that the regulations would have been challenged by municipalities; and

WHEREAS, as detailed below, the Bill still fails to account for the enormous burdens on municipalities to comply with their Round 3 obligations before imposing very substantial additional burdens on those 354 municipalities for Round 4; and

WHEREAS, a representative of FSHC testified that it has entered into 354 settlements and that it would furnish those settlements to the Housing Committee, which it has failed to do; and

WHEREAS, we have pressed FSHC to advise how much development will take place in Round 4 as a result of municipalities implementing the 354 settlements reached in Round 3; and

WHEREAS, Adam Gordon on behalf of FSHC has indicated he doesn't know the answer to this question and no committee of the Assembly or Senate has even hinted at what the answer might be; and

WHEREAS, the Bill requires municipalities to create a realistic opportunity for satisfaction of a fair share without taking into account how many affordable units can realistically be achieved through traditional inclusionary zoning (where generally one out of every five units must be affordable); and

WHEREAS, we also sought to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning by urging the Legislature to do a market study since the strength of the housing market will determine the number of market units that can reasonably be anticipated that are essential to generating one affordable unit for every four market units constructed; and

WHEREAS, the Legislature has not furnished a market study in response to our repeated emphasis on the need for one to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning; and

WHEREAS, as explained below, the bill dilutes the protections to which a municipality is currently entitled as it seeks to comply voluntarily and even after it secures approval of its affordable housing plan; and

WHEREAS, current laws preserve a municipality's immunity in the absence of proof that the municipality is "determined to be constitutionally noncompliant", the proposed bill does not give municipalities seeking to comply voluntarily the same measure of protection the Supreme Court deemed appropriate; and

WHEREAS, A4/S50 subjects municipalities to litigation not only as they seek approval of their Housing Element and Fair Share Plans, but also even after they secure approval of those plans; and

WHEREAS, more specifically, A4/S50 provides municipalities a "compliance certification" if the municipality secures approval of its affordable housing plan; however, that certification does not prevent an interested party from "alleging that, despite the issuance of compliance certification, a municipality's fair share obligation, fair share plan, housing element, or ordinances implementing the fair share plan or housing element are in violation of the Mount Laurel doctrine"; and

WHEREAS, the Bill suffers from a myriad of additional flaws; and

WHEREAS, under current laws, a municipality would have a right to rely on the fair share number that COAH provides; however, under the new bill a municipality would only have a presumption of validity that the number the DCA provides to the municipality is appropriate and FSHC, a deep pocketed developer or any other interested party could seek to overcome that presumption through litigation; and

WHEREAS, the A4/S50 Bill replaces a straightforward system by which a municipality could secure bonus credits up to a 25 percent cap with a highly complicated system for securing bonuses with many conditions attached to various forms of bonus.; and

WHEREAS, the Legislature previously capped the fair share of any municipality down to 1,000 in recognition that any obligation above 1,000 would be "onerous"; A4/S50 applies the 1,000-unit cap only to a component of the municipality's fair share -- the prospective need -- and authorizes the imposition of an obligation that is onerous; and

WHEREAS, the A4/S50 Bill creates unfair requirements and ambiguity when it comes to the Vacant Land Adjustment process, which could lead to municipalities that lack sufficient vacant land being required to produce more affordable housing units than is practical; and

WHEREAS, the A4/S50 Bill includes many other provisions and changes to the FHA that are impractical and devoid of any consideration of the burdens created by the statute; and

WHEREAS, as a result of the facts set forth above, a bill that boasts of its effectiveness in reducing costs and litigation will clearly have the exact opposite effect; and

WHEREAS, in addition to all the concerns expressed above, a bill that so radically changes the affordable housing laws of our state still needs considerable work; and

WHEREAS, indeed, as the following facts demonstrate, the Legislature has yet to do the most fundamental due diligence before enacting a statute with such broad ramifications;

The Legislature has not and cannot inform the public of the fair share obligations the bill, if enacted, would impose on the public;

The Legislature has not and cannot inform the public of the obligations that municipalities will satisfy in Round 4 from the 354 settlements achieved in Round 3 before heaping substantial additional burdens on them for Round 4;

The Legislature has not and cannot inform the public of the number of affordable units that can realistically be achieved through traditional inclusionary zoning while imposing obligations on

municipalities to create a realistic opportunity for a fair share that far exceeds any number a municipality can realistically achieve through inclusionary zoning; and

WHEREAS, as a result of the pronounced lack of due diligence, the bill will likely force taxes to increase dramatically and will foster serious overdevelopment creating unreasonable burdens on our schools, public services, roads, sewer and water infrastructure; and

WHEREAS, the Legislature clearly can and should upgrade the affordable housing policies of our State; however, the current Version of A4 is not the answer and the most fundamental diligence can and should be exercised before adopting such a bill.

NOW, THEREFORE, BE IT RESOLVED, that for all of the above reasons, the Mayor and Councilmembers of the Borough of Montvale, objects to and opposes Assembly Bill No. 4/Senate Bill No. 50, and requests that the bill be tabled, re-written and re-introduced in way that imposes achievable obligations and facilitates the ability of the municipality to satisfy its obligations.

A certified copy of this resolution shall be sent to the Legislators in the State Assembly and Senate representing our District immediately.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: February 27, 2024

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 67-2024**

RE: Authorize the submission of an application for the 2024 NJDCA Local Recreation Improvement Grant

WHEREAS, the Borough of Montvale desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$ 100,000.00 to carry out a project to construct a shade structure at Huff Park for the Huff Park Improvements.

BE IT THEREFORE RESOLVED, that the Borough of Montvale does hereby authorize the application for such a grant; and recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between Borough of Montvale and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: February 27, 2024

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 68-2024**

RE: Authorizing the Advertisement for Receipt of Proposals for Banking Services

WHEREAS, the Borough's Chief Financial Officer is responsible for banking services of municipal funds; and

WHEREAS, the contract with the current primary banking service provider has not been resolicited in a number of years; and

WHEREAS, in seeking the most competitive services, the Chief Financial Officer recommends soliciting proposals for banking services and recommends the selected bank be incorporated into the adopted cash management plan.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council does hereby authorize advertisement for the receipt of proposals for banking services under a "fair and open" process.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: February 27, 2024

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 69 -2024**

Re: Authorizing an Agreement with Livingston Energy Group for Four (4) 180kW DCFC Electric Vehicle Charging Units and Five (5) Years of Operation of Said Units at No Cost to the Borough

WHEREAS, the Borough of Montvale is committed to supporting the use of electric vehicles and increasing the EV charging infrastructure within the Borough; and

WHEREAS, though Livingston Energy Group, 2345 Maxon Road Ext., Suite 1, Schenectady, New York, the Borough has been able to procure four (4) 180 kW DCFC Electric Vehicle Charging Units, and necessary electrical upgrades, at no cost to the Borough due to rebates from Livingston and Orange and Rockland Utilities; and

WHEREAS, Livingston shall operate the units for an initial period of five (5) years, also at no cost to the Borough, except to the extent that the Borough utilizes the units to charge Borough-owned electric vehicles for which the Borough will pay the prevailing rates to utilize said units; and

WHEREAS, the Borough is desirous of approving this agreement with Livingston.

NOW, THEREFORE, BE IT RESOLVED that the Borough does hereby approve an agreement with Livingston Energy Group for installation and operation of four (4) 180 kW DCFC Electric Vehicle Charging Units at the location identified on the attached Site Plan, for a period of five (5) years, at no cost to the Borough of Montvale.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: February 27, 2024

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 70-2024**

RE: Amending Resolution No. 47-2024 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>
30+ Basketball	Sept-May	\$75	\$95
	Jan-May	\$40	\$60
Adult Soccer	10 weeks	\$15	\$20
Golf Instruction	6 weeks	\$115	\$135
	8 weeks	\$150	\$170
Pickleball Instruction	6 weeks	\$120	\$140
	8 weeks	\$160	\$180
Summer Camp: Grades 1-5	4 weeks	\$450 per child \$1350 family max	\$500 per child \$1500 family max
Adventure Camp: Grades 6-7	4 weeks	\$550 per child	\$610 per child
Summer Camp Resident/Non-Resident	<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. Camp financial assistance fee amounts will be at the discretion of the Recreation Director.</p>		

<u>Program Name</u>	<u>Session Length</u>	<u>Resident Fee</u>	<u>Non-Resident Fee</u>
Extended Day Multisport Camp by TGA During Summer Camp Weeks Only	1 week (2:30-6:30pm)	\$220	\$250
Multisport Camp by TGA After Summer Camp Weeks Conclude and/or During School Breaks	1 week (Half Day)	\$245	\$255
	1 week (Full Day)	\$295	\$305
	1 week (Full Day + After Care)	\$375	\$395
The Way- The Art of Life	8 weeks (@ 2 classes per week)	\$120	\$180
Tai Chi	8 weeks	\$80	\$100
Montvale Senior Club Tai Chi Discount:	8 weeks	\$40	\$40
Tennis Lessons	6 weeks	\$120	\$150
	8 weeks	\$160	\$200
Tennis Badges			
Adult (Ages 18-61)	March-December	\$30	\$60
Child (Ages 17 & Younger)	March-December	\$10	\$20
Family Max	March-December	\$60	\$120
Seniors (Ages 62 & Up)	March-December	\$15	\$30
		\$10 Fee for Replacement Tennis Badge	
Basketball Badges			
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	
Pickleball Badges			
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			
Ultimate Frisbee	6 weeks	\$75	\$95
	8 weeks	\$100	\$120
Volleyball- Adult	January-May	\$240	\$260
Volleyball- Girls	10 weeks	\$200	\$220
Women's Softball- Adult	April - August	\$60	\$70
Yoga	8 weeks	\$80	\$100
Yoga Mini Session	4 weeks	\$40	\$100
Youth Theater	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>
Ballfields: Baseball or Softball (Memorial, Fieldstone or LaTrenta)	Per Hour Per Field (2 hour minimum)	\$25	\$50
Turf Fields: Soccer or Lacrosse (Fieldstone)	Per 2 Hour Time Slot Per Field	\$75 (full field) \$50 (half field)	\$150 (full field) \$100 (half field)
Basketball Courts: (Memorial)	Per Hour: Court #2 Only	\$25	\$50
Tennis Court Group Reservation (Memorial or LaTrenta) *Two court maximum reservation at any one location	Per Day	\$25	\$50
Corporation Event Field Reservation (1 scheduled day plus 2 rain dates)	Per Day	\$200	\$400

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.

Corporate Fees: Corporate fees paid to the borough for field use, whether Resident Corporation or Non-Resident Corporation, will entitle the user to 1 field reservation time slot and up to 2 additional time slots that are designated as "rain dates".

Season: Spring season will begin March 1 and end July 31. Fall season will begin August 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 1st for Spring season and June 1st 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.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: February 27, 2024

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, N.J., that the following bills, having been referred to the Borough Council and found correct, be and the same hereby be paid:

<u>FUND</u>	<u>AMOUNT</u>	<u>NOTES</u>
Current	\$145,058.65	Bill List Wire 2/27/2024
	<u>1,546,643.20</u>	Wires/Manual Checks
Current TOTAL	1,691,701.85	
Capital	8,514.60	Bill List Wire 2/27/2024
Escrow	34,491.05	Bill List Wire 2/27/2024
Unemployment Trust	278.20	Bill List Wire 2/27/2024
Housing Trust	1,176.32	Bill List Wire 2/27/2024
General Trust	437.50	Bill List Wire 2/27/2024
Recreation Trust	1,000.00	Bill List Wire 2/27/2024

*This resolution was adopted by the Mayor and Council of Montvale
at a meeting held on 2/27/24*

Introduced by: _____

Approved: 2/27/24

Seconded by: _____

Michael Ghassali, Mayor

ATTEST:

Frances Scordo, Municipal Clerk

MANUAL/VOID CHECKS - WIRES
February 27, 2024

<u>Check #</u>	<u>PO #</u>	<u>Date</u>	<u>Vendor/Transaction</u>	<u>Amount</u>
WIRE		2/15/24	Payroll Account-Current	\$213,314.77
WIRE		2/15/24	Salary Deduction Account	\$117,031.09
WIRE		2/15/24	FSA Account	\$75.00
4402	24-00021-2	2/9/24	Pascack Valley Regional HS	\$1,216,222.34
Total				<u><u>\$1,546,643.20</u></u>

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Bill List By Vendor Id

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P.O. Type: All
Range: First to Last
Format: Condensed
Vendors: All
Rcvd Batch Id Range: First to Last
Open: N
Rcvd: Y
Bid: Y
Paid: N
Held: Y
State: Y
Void: N
Aprv: N
Other: Y
Exempt: Y
Include Non-Budgeted: Y

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00019	MUNICIPAL CAPITAL CORPORATION								
	24-00072	01/11/24		WIDE FORMAT COPY MACHINE LEASE	Open	444.00	0.00		B
	24-00122	01/19/24		COPY MACHINE LEASE	Open	369.00	0.00		B
						813.00			
00071	VEOLIA (SUEZ)								
	24-00260	02/14/24		10003825412222 VEOLIA FEB 2024	Open	15,645.82	0.00		
00097	CABLEVISION								
	24-00254	02/14/24		07873-204461-01-0 OPTIMUM	Open	135.19	0.00		
	24-00255	02/14/24		07873-109890-01-7 OPTIMUM	Open	161.16	0.00		
	24-00280	02/20/24		07873-199375-01-1 OPTIMUM	Open	201.55	0.00		
						497.90			
00112	MONTVALE SENIOR CLUB								
	24-00204	02/01/24		SENIOR CLUB ZOOM RENEWAL	Open	170.48	0.00		
00118	NJ STATE LEAGUE OF								
	23-01661	12/08/23		JOB POSTING	Open	210.00	0.00		
00146	PSE&G CO.								
	24-00262	02/15/24		PSE&G JANUARY 2024	Open	2,046.49	0.00		
00186	PRIMEPAY, LLC								
	23-00539	04/18/23		FSA FEES 2023	Open	115.50	0.00		B
00247	MONTVALE FREE PUBLIC LIBRARY								
	23-00616	04/28/23		2023 QUARTERLY BUDGET PAYMENT	Open	49,387.50	0.00		B
	24-00249	02/12/24		REIMBURSEMENT FOR 2023 S/W	Open	22,226.91	0.00		
						71,614.41			
00258	ROCKLAND ELECTRIC COMPANY								
	24-00293	02/21/24		ROCKLAND ELECTRIC JANUARY 2024	Open	5,615.52	0.00		
00292	HIGHWAY TRAFFIC SUPPLY								
	24-00118	01/19/24		PARK SIGNAGE	Open	678.27	0.00		
00375	BOROUGH OF PARK RIDGE								
	24-00136	01/22/24		TRI BORO FUEL DECEMBER 2023	Open	4,467.33	0.00		
00400	FAIRFIELD MAINTENANCE, INC.								
	23-01410	10/18/23		2024 MONTHLY UST INSPECTIONS	Open	440.00	0.00		B
00430	REGISTRARS' ASSOC. OF NJ								
	24-00229	02/07/24		2024 SPRING CONFERENCE	Open	150.00	0.00		

Vendor #	Name						
PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00582	MICROSYSTMES-NJ.COM,L.L.C.						
24-00181	01/26/24	ANNUAL TAX BILLING SERVICE	Open	120.00	0.00		
24-00188	01/30/24	TAX ASSESSOR POT CARDS	Open	<u>2,481.25</u>	0.00		
				2,601.25			
00656	STATE OF NJ DEPT OF LABOR W/F						
24-00252	02/14/24	UNEMPLOYMENT BENEFITS 2Q 2022	Open	278.20	0.00		
00660	AMERICAN ASPHALT & TRUCKING						
23-00916	06/28/23	NJDOT 2022- SUMMIT AVE ROADWAY	Open	7,044.60	0.00		B
00699	ATLANTIC TOMORROWS OFFICE						
24-00143	01/23/24	2 rolls of paper	Open	145.00	0.00		
00731	COLLIER'S ENGINEERING & DESIGN						
22-01410	11/03/22	MONTVALE MASTER PLAN	Open	372.50	0.00		B
23-00151	01/19/23	2023 BOROUGH PLANNER	Open	925.00	0.00		B
23-01096	08/08/23	AFFORD. HOUSING COMPLIANCE '23	Open	277.50	0.00		B
24-00119	01/19/24	MUNICIPAL PLANNING REVIEW	Open	368.00	0.00		
24-00152	01/24/24	MUNICIPAL PLANNING REVIEW	Open	2,106.25	0.00		
24-00153	01/24/24	MUNICIPAL PLANNING REVIEW	Open	1,031.25	0.00		
24-00164	01/24/24	MUNICIPAL ENGINEERING REVIEW	Open	1,635.00	0.00		
24-00165	01/24/24	MUNICIPAL ENGINEERING REVIEW	Open	710.00	0.00		
24-00171	01/25/24	MUNICIPAL ENGINEERING REVIEW	Open	6,936.25	0.00		
24-00172	01/25/24	MUNICIPAL ENGINEERING REVIEW	Open	8,331.25	0.00		
24-00183	01/26/24	MUNICIPAL ENGINEERING REVIEW	Open	8,206.25	0.00		
24-00184	01/26/24	MUNICIPAL PLANNING REVIEW	Open	<u>696.25</u>	0.00		
				31,595.50			
00754	BERGEN CTY MUNICIP.CLERK ASSOC						
24-00190	01/30/24	2024 ANNUAL MEMBERSHIP DUES	Open	200.00	0.00		
00773	AXON ENTERPRISE, INC.						
23-01506	11/13/23	PD TASER CARTRIDGES	Open	3,622.50	0.00		
00797	CHARLESTOWN COURT						
23-00586	04/27/23	2023 SNOW & LIGHTING MAXIMUM	Open	1,268.00	0.00		
00869	DRAEGER SAFETY DIAGNOSTICS,INC						
23-01608	11/30/23	PD ALCOTEST SOLUTION	Open	312.00	0.00		
01042	MCMANIMON.SCOTLAND.BAUMANN LLC						
24-00233	02/07/24	PROFESSIONAL SERVICES RENDERED	Open	21.50	0.00		
01120	GTBM INC.						
23-01589	11/29/23	POLICE CAR COMPUTERS-2	Open	9,769.86	0.00		
24-00126	01/22/24	PD MV 378 PRINTER	Open	<u>1,470.00</u>	0.00		
				11,239.86			
01184	THE LAND CONSERVANCY OF NJ						
23-01628	12/05/23	ENVIRONMENTAL RESOURCE - ERI	Open	2,000.00	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01227	PIAZZA & ASSOCIATES, INC.								
		24-00108	01/18/24	2024 AFFORDABLE HOUSING SVCS	Open	401.32	0.00		B
01241	ALMAGASA CORP.								
		24-00225	02/06/24	dinner meeting	Open	106.52	0.00		
01330	GHASSALI, MICHAEL								
		24-00069	01/11/24	MAILCHIMP	Open	75.00	0.00		B
01454	TMDE CALIBRATION LABS INC.								
		23-01066	08/02/23	PD RADAR REPAIR	Open	661.75	0.00		
01517	LUDWIG, DAVID								
		24-00151	01/24/24	MILAGE REIMBURSEMENT	Open	343.88	0.00		
01643	LORANGER, LISA								
		24-00199	02/01/24	MAILCHIMP REIMBURSEMENT	Open	110.00	0.00		
01706	SCLAFANI, SALAVADOR S. ESQ.								
		24-00169	01/25/24	Alternate PD Reimbursement	Open	400.00	0.00		
01760	UNITED PARCEL SERVICE								
		24-00290	02/21/24	F047X6 UPS DECEMBER 2023	Open	354.10	0.00		
01767	VERIZON								
		24-00201	02/01/24	555-569-0140001-55 VERIZON	Open	175.64	0.00		
		24-00287	02/21/24	156-951-896-001-85 VERIZON	Open	84.00	0.00		
						259.64			
01833	MCGEE, HEATHER (PETTY CASH)								
		24-00273	02/15/24	REIMB PETTY CASH	Open	223.63	0.00		
01852	REDICARE LLC								
		24-00239	02/08/24	FIRST AID 60 DAY SERVICE	Open	85.00	0.00		
		24-00240	02/08/24	60 DAY SERVICE FIRST AID BOX	Open	85.00	0.00		
		24-00241	02/08/24	60 DAY SERVICE CHECK FIRST AID	Open	85.00	0.00		
						255.00			
01870	PENTLAND GRAPHICS INC								
		23-01697	12/13/23	PD DARE KNIT HATS	Open	437.50	0.00		
01882	PRESTIGE BUSINESS PRODUCTS, INC								
		24-00083	01/16/24	PD INK CARTRIDGES DB	Open	431.00	0.00		
01890	GREATAMERICA FINANCIAL SRVCS.								
		24-00098	01/17/24	POSTAGE MACHINE LEASE	Open	289.00	0.00		B
01894	JERSEY MAIL SYSTEMS, LLC								
		24-00212	02/05/24	POSTAGE MACHINE SUPPLIES	Open	49.75	0.00		
02005	SALAZAR, DIEGO								
		24-00192	01/31/24	REIMB CLOTHING ALLOWANCE	Open	70.97	0.00		

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Vendor #	Name	Status	Amount	Void Amount	Contract	PO Type
PO #	PO Date Description					
02008	COMPLETE ROOF SYSTEMS					
23-01626	12/05/23 ROOF REPAIR	Open	650.00	0.00		
02011	HUNTINGTON BAILEY, L.L.P.					
24-00221	02/06/24 PROFESSIONAL SERVICES RENDERED	Open	77.50	0.00		
02019	UGI ENERGY SERVICES, LLC					
24-00257	02/14/24 UGI ENERGY SERVICES JANUARY	Open	3,432.60	0.00		
24-00289	02/21/24 UGI ENERGY SERVICES - JAN 2024	Open	647.12	0.00		
			4,079.72			
02036	URBAN AIR CRYSTAL RUN					
24-00271	02/15/24 DEPOSIT FOR 7/3 TRIP	Open	1,000.00	0.00		
02075	J HARRIS ACADEMY OF POLICE					
23-01734	12/28/23 GARRAN TRAINING CLASS	Open	295.00	0.00		
02085	LOPEZ, SERGIO FRANCISCO					
24-00258	02/14/24 REFUND OVERPAYMENT OF TAXES	Open	3,576.00	0.00		
02141	REGAN, ROBERT T., ESQ.					
24-00194	02/01/24 TRUST - RESERVE FOR HOUSING	Open	420.00	0.00		
24-00195	02/01/24 ESROW PAYMENTS	Open	1,090.50	0.00		
24-00224	02/06/24 MONTVALE MASTER PLAN	Open	27.00	0.00		B
			1,537.50			
02144	ALL COUNTY MECHANICAL					
23-00531	04/14/23 HVAC MAINTENANCE CONTRACT	Open	2,150.00	0.00		B
02408	MCDOWELL, DOUGLAS					
24-00193	01/31/24 REIMB HOLSTER	Open	90.71	0.00		
02426	VERIZON WIRELESS					
24-00253	02/14/24 VERIZON JANUARY 2024	Open	919.13	0.00		
02559	INS.DESIGN ADMINSTRATORS					
24-00106	01/18/24 2024 VISION BENEFITS	Open	285.00	0.00		B
02987	DATA NETWORK SOLUTIONS					
24-00109	01/18/24 2024 BORO PHONE LINES	Open	1,096.29	0.00		B
02995	LANG, DIANE					
24-00216	02/05/24 2024 MONTVALE WELLNESS	Open	325.00	0.00		
03010	JACOVINO, MARIO					
24-00197	02/01/24 ESCROW REFUND - 505/3	Open	3,380.05	0.00		
03060	TRI-STATE TECHNICAL SERVICES					
24-00062	01/10/24 2024 ADOBE SOFTWARE/DROPBOX	Open	39.38	0.00		B
24-00175	01/25/24 PD COMPUTER MAINT DB	Open	599.00	0.00		
24-00243	02/08/24 ZOOM MONTHLY COURT CHARGE	Open	17.05	0.00		
			655.43			

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Vendor #	Name		Status	Amount	Void Amount	Contract	PO Type	
PO #	PO Date	Description						
03084	WESLEY SICOMAC DAIRY							
24-00234	02/07/24	2024 MILK DELIVERY	Open	32.82	0.00		B	
03131	CERTIFIED SPEEDOMETER SERVICE							
23-01594	11/29/23	PD CARS CALIBRATED	Open	396.00	0.00			
24-00177	01/25/24	PD VEHICLE CALIBRATIONS	Open	<u>88.00</u>	0.00			
				484.00				
03682	CRUISE, E. K.							
24-00180	01/25/24	REIMB CRUISE	Open	583.62	0.00			
03727	STAPLES INC							
23-01504	11/09/23	Office Supplies	Open	36.50	0.00			
23-01583	11/28/23	office supplies	Open	628.22	0.00			
24-00112	01/18/24	office supplies	Open	99.48	0.00			
24-00196	02/01/24	office supplies	Open	53.72	0.00			
24-00202	02/01/24	File folders, Binders	Open	<u>86.44</u>	0.00			
				904.36				
03744	KATY HOMEOWNERS ASSOCIATION							
23-00588	04/27/23	2023 SNOW & LIGHTING MAXIMUM	Open	1,572.00	0.00			
Total Purchase Orders:		91	Total P.O. Line Items:	0	Total List Amount:	190,956.32	Total Void Amount:	0.00

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND 2023	3-01	102,233.10	0.00	102,233.10	0.00	0.00	102,233.10
CURRENT FUND 2024	4-01	42,825.55	0.00	42,825.55	0.00	0.00	42,825.55
CAPITAL FUND	C-04	8,514.60	0.00	8,514.60	0.00	0.00	8,514.60
BOA ESCROW ACCOUN	E-08	34,491.05	0.00	34,491.05	0.00	0.00	34,491.05
OTHER TRUST ACCOU	T-03	1,613.82	0.00	1,613.82	0.00	0.00	1,613.82
UNEMPLOYMENT TRUS	T-13	278.20	0.00	278.20	0.00	0.00	278.20
RECREATION TRUST	T-19	1,000.00	0.00	1,000.00	0.00	0.00	1,000.00
Year Total:		2,892.02	0.00	2,892.02	0.00	0.00	2,892.02
Total of All Funds:		190,956.32	0.00	190,956.32	0.00	0.00	190,956.32

Shelbourne at Hunterdon
53 Frontage Road, Suite 110
Hampton, New Jersey 08827
Main: 877 627 3772



Engineering
& Design

February 12, 2024

Joseph Voytus, Business Administrator
Borough of Montvale
12 DePiero Drive
Montvale, NJ 07645

Proposal for Professional Planning Services
Fourth Round Vacant Land Adjustment Analysis
Colliers Engineering & Design Project No. MPP-0231P

Dear Mr. Voytus,

Colliers Engineering & Design is pleased to submit the following proposal for professional planning services to assist the Borough in preparing a new Vacant Land Adjustment for the Fourth Round Obligation. This proposal is divided into three sections as follows:

Section I – Scope of Services
Section II – Schedule of Fees
Section III – Client Contract Authorization

Section I - Scope of Services

The following scope of work is proposed:

Task 1.0 – Analysis of Vacant Land Adjustment

N.J.A.C. 5:93-4.2 provides the requirements for municipalities seeking a vacant land adjustment. We have listed some, but not all, of the statute requirements below:

1. Municipalities that request an adjustment due to available land capacity shall submit an existing land use map at an appropriate scale to display the land uses of each parcel within the municipality. Such a map shall display the following land uses: single family, two-to-four family, other multi-family, commercial, industrial, agricultural, parkland, other public uses, semipublic uses and vacant land.
2. Municipalities that request an adjustment due to available land capacity shall submit an inventory of vacant parcels by lot and block that includes the acreage and owner of each lot.
3. Municipalities shall exclude from the vacant land inventory:
 - a. Any land that is owned by a local government entity that, as of January 1, 1997, has adopted, prior to the filing of a petition for substantive certification, a resolution authorizing the execution of an agreement that such land shall be utilized for a public purpose other than housing; and

- b. Any vacant contiguous parcels of land in private ownership of a size which would accommodate less than five dwelling units as per the COAH standard.
- 4. Sites that can be removed from the assessment:
 - a. Agricultural lands shall be excluded when the development rights to these lands have been purchased or restricted by covenant.
 - b. Environmentally sensitive lands shall be excluded as follows: wetlands, flood hazard areas, slopes in excess of 15%
- 5. Active recreational lands
 - a. Municipalities may reserve 3% of their total developed and developable acreage for active municipal recreation and exclude this acreage from consideration as potential sites for affordable housing. Sites designated for active recreation must be purchased and limited to active recreational purposes within one year of substantive certification.

This office is aware that pending Assembly Bill 4 proposes changes to the Vacant Land Adjustment process, but until the Bill is adopted, we propose to utilize the process detailed in the COAH Rules, which was the process by which the Borough's Third Round Obligation Vacant Land Adjustment was calculated and approved by the Superior Court.

Colliers Engineering & Design will utilize the latest available GIS data, which includes 2023 MOD-IV tax data. The analysis will review Class 1 vacant properties, Class 3A and 3B farm properties, and undeveloped municipally-owned property (Class 15C) that is not on the Recreation and Open Space Inventory. Next, we will utilize available environmental information from the NJDEP to identify properties that have environmental constraints such as wetlands, flood hazard zones, C-1 waterways, and steep slopes that will make them partially or fully unsuitable for development.

The GIS analysis will be mapped as required by the statute and include:

- 1. Environmental constraints map
- 2. Land use map
- 3. Vacant lands map

In addition to the maps, we will prepare an Excel table that inventories the vacant parcels by lot and block that includes the acreage. The table will list every Class 1, Class 3A and 3B, and municipally-owned Class 15C property analyzed and whether it is suitable for development and if it is not, what constraints are present to limit said development.

We will then compare the 2024 Vacant Land Analysis against the Court-approved Third Round Vacant Land Analysis and identify any lots already included in the Third Round analysis. Any previously identified lots that generated RDP (realistic development potential) will be removed from the current analysis.

Lastly, we will perform an analysis of the amount of active recreation and parkland in the Borough, pursuant to the statute. If Montvale has less than 3% of its land area reserved for active recreation, the Borough could potentially purchase additional land for recreation and further reduce the Realistic Development Potential.

Once a draft of the Vacant Land Adjustment has been prepared it will be presented to the Affordable Housing Task Force at one meeting.

Section II – Schedule of Fees

Colliers Engineering & Design's work shall be invoiced on an hourly basis in accordance with the rates set forth in the Schedule of Hourly Rates that is included in the professional services agreement between the Borough and Colliers Engineering & Design at the time the work is performed. The maximum upset fee for each task is as follows:

Task Name	Fee
Task 1.0 - Vacant Land Adjustment Analysis	\$4,975.00

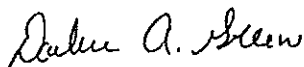
All work shall be invoiced in accordance with the terms and provisions of the agreement between the Borough and Colliers Engineering & Design for professional services.

Colliers Engineering & Design will commence work upon receipt of either a resolution approving the proposal or a copy of the executed client authorization in Section III.

We want to thank the Borough for providing the opportunity to perform this most important work. If you have any questions or require clarification regarding the scope of work, please do not hesitate to call our office.

Sincerely,

Colliers Engineering & Design, Inc.
(DBA Maser Consulting)



Darlene A. Green, PP, AICP
Borough Planner



Deborah Alaimo Lawlor, FAICP, PP
Regional Manager, Planning Services



Engineering
& Design

Section III – Client Contract Authorization

I hereby declare that I am duly authorized to sign binding contractual documents. I also declare that I have read, understand, and accept this contract.

Signature

Date

Printed Name

Title