

**WORK SESSION
MINUTES**

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

OPEN PUBLIC MEETING STATEMENT

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

ROLL CALL:

Councilmember Arendacs

Councilmember Lane

Councilmember Cudequest – arrived 7:32pm

Councilmember Roche

Councilmember Koelling

Councilmember Russo-Vogelsang

Also Present: Mayor Mike Ghassali; Borough Attorney, Dave Lafferty; Administrator, Joe Voytus; Borough Engineer, Carl O'Brien and Municipal Clerk, Fran Scordo

ORDINANCES:

INTRODUCTION OF ORDINANCE NO. 2025-1563 AN ORDINANCE TO AMEND SALARY ORDINANCE NO. 2024-1549 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 2025 (public hearing 2-13-25)

*A motion to Introduce Ordinance **2025-1563** for first reading was made by Councilmember Russo-Vogelsang; seconded by Councilmember Koelling; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Bergen Record; seconded by Councilmember Roche - a roll call was taken – all ayes*

INTRODUCTION OF ORDINANCE NO. 2025-1564 ORDINANCE APPROPRIATING \$32,000 FROM THE CAPITAL IMPROVEMENT FUND TO FUND THE ACQUISITION AND UPFIT OF A SPORT UTILITY VEHICLE FOR THE POLICE DEPARTMENT (public hearing 2-13-25)

*A motion to Introduce Ordinance **2025-1564** for first reading was made by Councilmember Russo-Vogelsang; seconded by Councilmember Koelling; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Bergen Record; seconded by Councilmember Roche - a roll call was taken – all ayes*

MEETING OPEN TO PUBLIC**Agenda Items Only**

*A motion to open the meeting to the public for agenda items only by Councilmember Lane; seconded by Councilmember Koelling – all ayes
No public comment*

MEETING CLOSED TO PUBLIC**Agenda Items Only**

A motion to close the meeting to the public for agenda items only by Councilmember Lane; seconded by Councilmember Roche – all ayes

MINUTES:

January 9, 2025

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

Budget Meeting January 6, 2025

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

Budget Meeting January 13, 2025

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

CLOSED/EXECUTIVE MINUTES:

January 9, 2025

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

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.

58-2025 Extending The 2025 Budget Process Dates

WHEREAS, the Local Finance Board has authorized revisions to the statutory budget deadlines as per Local Finance Notice LFN 2024-20 dated December 18, 2024; and

WHEREAS, these revisions permit municipalities to extend the deadlines for the submission of the Municipal Annual Financial Statement, as well as the introduction and adoption of the budget; and

WHEREAS, to avail itself of these revised dates, the governing body must adopt a resolution by no later than March 31, 2025;

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Borough Council of the Borough of Montvale, County of Bergen, State of Jersey that the Borough of Montvale hereby avails itself of the revised budget introduction and adoption dates for the calendar year 2025 budget as follows: Submission of the Municipal Annual Financial Statement (AFS): Extended from February 10 to March 7, 2025

Budget Introduction Date: Extended to March 31, 2025

Budget Adoption Date: Extended to April 30, 2025

BE IT FURTHER RESOLVED that the temporary budget appropriations are hereby extended as may be necessary to accommodate this extension of the budget introduction and adoption dates.

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to submit a certified copy of this resolution to the Director of the Division of Local Government Services using the Financial Automation Submission Tracking (FAST) system, as required by Local Finance Notice LFN 2024-20.

59-2025 Authorize Tax Court Settlement – Block 2408, Lot 6 – 7 Franklin Ave – Richard Queen

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed on behalf of Richard W. Queen (hereinafter the "Tax Appeal"), under Docket Numbers 005351-2022, 002848-2023 and 002040-2024; and,

WHEREAS, the aforesaid tax appeal concerns an apartment building located at 7 Franklin Avenue, and is otherwise referred to as Block 2408 Lot 26 on the tax assessment maps of the

Borough (hereinafter the "subject property"); and,

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel and the Borough Tax Assessor; and,

WHEREAS, the proposed Tax Appeal settlement components are set forth in the Schedule "A" attached hereto and made a part hereof; and,

WHEREAS, it is in the best interest of the Borough of Montvale to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the settlement of the aforesaid Tax Appeal be finalized in accordance with the terms set forth in the enclosed Schedule "A"; and,

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Borough Administrator, Borough Attorney and/or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

SCHEDULE "A"

The terms of the aforesaid tax appeal settlement shall consist as follows:

2022 Appeal: Withdraw
2023 Appeal: \$3,100,000
2024 Appeal: \$3,100,000

60-2025 Amending Resolution No. 212-2024 Authorizing the Release of the Performance Surety Bond for – Village Springs at Montvale Toll Bros. - Block 1903; Lot 7 and Posting of Two-Year Maintenance Bond

WHEREAS, Toll Brothers has requested a release of their Performance Surety Bond; and
WHEREAS, a completed inspection of the site has been conducted by Colliers Engineering and takes no exception to the release of the Performance Surety Bond No. 30090402 in the amount of \$23,681.00 and cash portion of the Performance Bond in the amount of \$2,841.00; and
WHEREAS, a two-year maintenance bond in the amount of \$57,246.75 is required as a condition of the release of the cash bond portion which has been received by the Municipal Clerk; and
NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that the Borough Treasurer is hereby authorized to release the cash performance bond for Toll Brothers in the amount of \$2,841.00 and the Performance Surety Bond No. 30090402 in the amount of \$23,681.00. A copy of this resolution shall be sent to Jonathan Cerniglia of Toll Brothers Land Development, 100 Willow Brook Road, Suite 200, Freehold, NJ 07728.

61-2025 Resolution Awarding a Contract to Goosetown Communication for Six (6) Kenwood Mobil Truck Radio's for Use By The Montvale Fire Department Pursuant to NJ State Contract #83911

WHEREAS, the Borough has a need to procure Six (6) Kenwood Mobil Truck Radio's for use by the Montvale Fire Department; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12a and N.J.C.A. 5:34-7.29(c), the Borough may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the Borough did solicit a quote from Goosetown Communications for this equipment under State Contract #83911, a copy of which is attached hereto, in the total amount of \$63,157.92; and

WHEREAS, the Borough's Fire Chief has recommended that the Borough award this contract pursuant to the attached proposal; and

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

NOW THEREFORE BE IT RESOLVED, as follows:

The Borough of Montvale does approve the attached Quote from Goosetown Communications with offices located at 58 N. Harrison Ave, Congers, NY 10920 for Six (6) Kenwood Mobil Truck Radio's for use by the Montvale Fire Department.

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

This resolution shall take effect immediately.

62-2025 Amending Resolution No. 175-2024 To Establish Recreational Fees for Year 2025

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	\$120	\$150
	8 weeks	\$150	\$170
Pickleball Instruction	6 weeks	\$120	\$150
	8 weeks	\$160	\$200
Summer Camp: Grades 1-5	4 weeks	\$500 per child \$1500 family max	\$600 per child \$1800 family max
Adventure Camp: Grades 6-7	4 weeks	\$650 per child	\$750 per child
Summer Camp Resident/Non-Resident	\$45 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.		
<u>Program Name</u>	<u>Session Length</u>	<u>Resident Fee</u>	<u>Non-Resident Fee</u>

BOROUGH OF MONTVALE**JANUARY 28, 2025**

Multisport Camp by TGA	1 week (Full Day)	\$90	\$120
	1 week (Half Day)	\$60	\$90
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)	January-December (weather permitting)	\$30	\$60
Child (Ages 17 & Younger)	January-December (weather permitting)	\$10	\$20
Family Max	January-December (weather permitting)	\$60	\$120
Seniors (Ages 62 & Up)	January-December (weather permitting)	\$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

BOROUGH OF MONTVALE**JANUARY 28, 2025**

Volleyball- Adult	January-May	\$240	\$260
Volleyball- Girls	10 weeks	\$200	\$250
Women's Softball- Adult	April - August	\$60	\$80
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 Courts: (Memorial or LaTrenta) *Two court maximum reservation at any one location	Per Hour Per Court	\$25	\$50
Pickleball Courts: (Memorial)	Per Hour Per Court	\$25	\$50

Field and Facility Permit Regulations

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

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

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

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

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

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

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

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

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

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

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

Montvale Athletic League, Recreation and Pascack Hills High School

Resident: Not-For-Profit Entity

Resident: For Profit Entity

Non-Resident: Not-For-Profit Entity

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.

63-2025 A Resolution Authorizing Appointment of Municipal Representatives To The Bergen County Community Development Regional Committee

WHEREAS, the Municipality of Borough of Montvale has entered into a three-year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:65-1 et seq. and Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that the Municipal Council to appoint a representative and alternate and that the mayor appoint a representative and alternate for the FY 2024-2025 term starting July 1, 2024 and ending on June 30, 2025.

NOW THEREFORE, BE IT RESOLVED that the Municipal Council hereby appoints Joseph Voytus as its representative and Councilmember Dieter Koelling as its alternate and that the Mayor hereby appoints Councilmember Timothy Lane as his representative and Councilmember Douglas Arendacs as his alternate to serve on the Community Development Regional Committee for FY 2024-2025; and

BE IT FURTHER RESOLVED that an original, certified copy of this resolution be immediately emailed to Robert G. Esposito, Director; Bergen County Division of Community Development at resposito@co.bergen.nj.us

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

RESOLUTIONS:**64-2025 Resolution Of The Borough Of Montvale Committing To Round 4 Present And Prospective Need Affordable Housing Obligations**

WHEREAS, the Borough has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations as evidenced by its Prior Round Compliance Certification from the Council on Affordable Housing (“COAH”); and

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 6, 2015, the Borough of Montvale (hereinafter “Montvale” or the “Borough”) filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

WHEREAS, that culminated in a Court-approved Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes builder’s remedy lawsuits until July 1, 2025; and

WHEREAS, Montvale’s Judgement of Compliance and Repose for Round 3 assigned the Borough an RDP of 181 units; and

WHEREAS, the Borough has in fact overseen the actual construction and crediting of 191 units of affordable housing in Round 3, exclusive of bonus credits, evidencing the Borough’s commitment to the satisfaction of its affordable housing obligations; and

WHEREAS, the Borough presently has a surplus of 44 credits which may be applied to satisfy “any future changed circumstances, which would result in an increase in the Borough’s RDP;” and

WHEREAS, by letter dated August 4, 2020, to Superior Court Judge Gregg A. Padovano, J.S.C., Joshua D. Bauers, Esq. of Fair Share Housing Center recognized Montvale’s laudable efforts in Round 3, identifying Montvale as a community that is “actually...creating affordable housing [and] not just belated and incomplete plans to build it in the future”; and

WHEREAS, Mr. Bauers also recognized that “Montvale has fulfilled promises and is sending out advertisement for leasing completed affordable housing”; and

WHEREAS, Mr. Bauers further acknowledged that “Montvale has seen to the construction of actual affordable homes, with many more on the way and under construction”; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 (hereinafter “A4”); and

WHEREAS, A4 calculates the size of the regional affordable housing need as follows “projected household change for a 10-year-round in a region shall be estimated by establishing the household change experienced in the region between the most recent federal decennial census, and the second-most recent federal decennial census. This household change, if positive, shall be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region, and to determine the regional prospective need for a 10-year-round of low and moderate-income housing obligations...”; and

WHEREAS, this means that according to A4 the regional need equates to 40% of regional household growth; and

WHEREAS, said regional household growth includes growth in the region, including urban aid municipalities that are exempt from any prospective need obligations; and

WHEREAS, the 1985 version of the Fair Housing Act and A4 both prohibit a result that would compel a municipality to spend its own money on compliance; and

WHEREAS, the theory which permits a municipality to meet its obligations without municipal subsidy is zoning for “inclusionary zoning”; and

WHEREAS, inclusionary zoning most typically requires a 15% or 20% set aside; and

WHEREAS, it is not clear how a regional need predicated upon 40% of anticipated growth can be met with 15-20% set asides and without municipal subsidy; and

WHEREAS, this is exacerbated by the fact that certain other municipalities in the region have an allocation of 0% of the need, irrespective of the growth in that particular municipality; and

WHEREAS, in Region 1, in which Montvale is located, fully 75% of the regional household growth was generated by municipalities that have been allocated 0% of the region's prospective need obligation; and

WHEREAS, A4 yields a statewide new construction obligation of over 8,400 affordable units per year; and

WHEREAS, this is a substantially higher annual number than was imposed by COAH in the "Prior Round" or any iteration of its Round 3 regulations; and

WHEREAS, A4 determines the size of the regional need, but does not calculate allocation of the need to individual municipalities; and

WHEREAS, instead, A4 required the Department of Community Affairs ("DCA") to produce non-binding estimates of need on or before October 20, 2024, which it did provide on October 18, 2024 ("DCA Report"); and

WHEREAS, the DCA Report estimates the Borough's Round 4 (2025-2035) obligations as follows:

Present Need or Rehabilitation Obligation: 30

Prospective Need or New Construction Obligation: 348; and

WHEREAS, A4 further provides that, irrespective of the DCA's non-binding estimate, municipalities are to determine "present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025"; and

WHEREAS, the Borough accepts the conclusions in the DCA Report with respect to the Present Need, Equalized Nonresidential Valuation Factor and Income Capacity Factor; and

WHEREAS, the Borough rejects the nonbinding calculation from the DCA with respect to the Land Capacity Factor and ultimately, to the nonbinding estimate of Prospective Need, for the Borough of Montvale; and

WHEREAS, after receiving the DCA Report, the Borough Planner noted significant errors in the DCA's mapping and estimate of the Borough's Land Capacity Factor; and

WHEREAS, the Borough did thereafter authorize Borough Planner Darlene A. Green, P.P., AICP, to analyze the DCA Report with respect to the Land Capacity Factor and to render an expert opinion with respect to the amount of vacant and developable land within the Borough of Montvale; and

WHEREAS, Ms. Green issued a report dated January 21, 2025, which analyzed every area that had been identified by the DCA as developable within the Borough, a copy of which report is attached hereto and expressly made a part hereof; and

WHEREAS, Ms. Green's report determined that of the twenty-four (24) areas deemed "developable," by DCA, in fact only two (2) separate areas on one lot are actually vacant and developable; and

WHEREAS, Ms. Green further determined that as a result of the DCA's reliance upon incomplete and/or inaccurate data, the Borough's Land Capacity Factor as calculated by the DCA was significantly overstated; and

WHEREAS, Ms. Green determined that the Borough of Montvale presently has only 0.804081 developable acres; and

WHEREAS, revising the Borough's "Land Use/Land Cover Methodology Land Area" in the DCA's Fourth Round Calculation Workbook with more accurate and reliable data results in a reduction in Montvale's Land Capacity Factor to 0.04%; and

WHEREAS, as a result of this reduction in the Borough's Land Capacity Factor, the Borough's Average Allocation Factor is reduced to 0.63%; and

WHEREAS, when this Average Allocation Factor is applied to the Regional Need, the Borough of Montvale's calculated Fourth Round Prospective Need Obligation is 176; and

WHEREAS, Section 3 of A4 provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7" of A4; and

WHEREAS, Borough's calculation of need is entitled to a "presumption of validity" because it complies with Sections 6 and 7 of A4; and

WHEREAS, the Borough of Montvale does hereby submit the following calculations of its Round 4 obligations:

Present Need or Rehabilitation Obligation: 30
Prospective Need or New Construction Obligation: 176; and

WHEREAS, the Borough specifically reserves the right to adjust those numbers based on one or any of the foregoing adjustments: 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) an updated Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sewer or lack of water); and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including, but not limited to the Highlands Regional Master Plan and its build out, the Pinelands or Meadowlands regulations and planning document; and

WHEREAS, in addition to the foregoing, the Borough specifically reserves all rights to revoke this resolution and commitment in the event of a successful challenge to A4 in the context of the Montvale case (MER-L-1778-24), any other such action challenging A4, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of A4; and

WHEREAS, in addition to the foregoing, the Borough reserves the right to take a position that its Round 4 Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

WHEREAS, in addition to the foregoing, nothing in A4 requires or can require an increase in the Borough's Round 4 Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of A4 is to establish, for example, unchallenged numbers by default on March 1, 2025; and

WHEREAS, in light of the above, the Mayor and Council finds that it is in the best interest of the Borough of Montvale to declare its obligations in accordance with this resolution; and

NOW, THEREFORE, BE IT RESOLVED on this 28 day of January, by the Council of the Borough of Montvale, Bergen County, State of New Jersey, as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.

2. The Mayor and Council of the Borough of Montvale do hereby commit to the following calculations of its Round 4 obligations:

Present Need or Rehabilitation Obligation: 30
Prospective Need or New Construction Obligation: 176

3. The above calculations are submitted subject to all reservations of rights, which specifically include:

a) The right to adjust the number based on a windshield survey, lack of land, sewer, water, regional planning inputs, or any combination thereof;

b) All rights to revoke this resolution in the event of a successful legal challenge, or legislative change, to A4;

- c) All rights to take any contrary position in the event of a third-party challenge to the obligations.
4. The Borough hereby directs its Affordable Housing Counsel to (a) file this Resolution with the "Program" pursuant to the requirements in A4.
5. This resolution shall take effect immediately, according to law.

Introduced by: Councilmember Lane; seconded by Councilmember Roche - a roll call was taken - all ayes Borough Attorney stated this resolution is in response to the new statute required by the DCA, our Borough Planner reviewed the properties that were developable and made corrections resulting in a significant difference which this resolution reflects. The DCA's numbers were 348 and our Planner's numbers were 176

65-2025 RE: Temporary Capital Budget

WHEREAS, the Borough of Montvale deems it necessary and desirable to provide for capital projects prior to the introduction of the 2025 Municipal Budget which may be introduced on the 25th day of March 2025; and

WHEREAS, N.J.A.C. 5:30-4.4(b) provides that an amendment to the Capital Budget must be approved by resolution of the governing body to either change priority of a specific project and use such funds for an unrelated project and/or to fund new projects not previously considered.

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Borough Council of the Borough of Montvale, in the County of Bergen, State of New Jersey that the following temporary Capital budget sections of the 2025 Municipal Budget be approved:

**CAPITAL BUDGET OF THE
BOROUGH OF MONTVALE, NEW JERSEY
Projects Scheduled for 2025
Method of Financing**

	<u>PLANNED FUNDING SERVICES FOR CURRENT YEAR</u>						
	<u>Estimate d Cost</u>	<u>CY Budget Appropriatio n</u>	<u>Capital Improvement Fund</u>	<u>Capital Surplu s</u>	<u>Grants in Aid/Othe r Funds</u>	<u>Debt Authorize d</u>	<u>Funde d in Future Years</u>
Acquisition and upfit of a sport utility vehicle for the police department	\$32,000	-0-	\$32,000	-0-	-0-	-0-	-0-

BE IT FURTHER RESOLVED that a Certified Copy of this Resolution shall be filed with the Director of the Division of Local Government Services through the FAST Portal.

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

66-2025 Authorize Hiring - Crossing Guard Alternate – Michael Lethbridge

WHEREAS, the Montvale Police Department desires to hire a crossing guard in the Borough of Montvale; and,

WHEREAS, Michael Lethbridge has met the qualifications for this position, agrees to the terms and conditions of employment; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that the above-named individual is hereby appointed to the position of Crossing Guard, effective January 28, 2025

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

67-2025 Local Recreation Improvement Grant for Shade Structure at Huff Park

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; and

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 the Borough of Montvale and the New Jersey Department of Community Affairs; and

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:

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

BILLS: Administrator read the Bill Report

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

ENGINEER'S REPORT: Carl O'Brien

The plans for the NJDOT Woodland Road project have been approved and will prepare to go out for bid; 2025 Road Program will consist of the following roads Terry Court, Stag Hill Road, Jules Court and crosswalk at DePiero and Philips Pkwy; had a meeting with the County to discuss 5 ongoing intersection projects; Huff Park will be submitted this Friday. Major Field plans will be submitted this Friday.

ATTORNEY REPORT: Dave Lafferty

No Report

ADMINISTRATOR REPORT: Joe Voytus

Water leak at LaTrenta fieldhouse – still assessing damage

UNFINISHED BUSINESS:

- Discussion – County Tax Board Approval of Revaluation

This was our official notice from the County Tax Board that a Revaluation must be performed by end of 2026.

NEW BUSINESS:

- Discussion – Bob Hanrahan – Community Service Application

After a brief discussion, councilmembers decided the Environmental Commission can use the form.

- Discussion – Town-Wide Garage Sale – Councilmember Roche

Councilmember Roche stated that the Special Events committee had suggested a town-wide garage sale and Councilmembers agreed it would be a great idea. Will check with the police department for their comments.

- Town Hall Meeting for Seniors

Councilmember Cudequest mentioned that the seniors would like to have another town hall meeting at the community center sometime in the Spring; they will come up with possible dates.

COMMUNICATION CORRESPONDENCE:

None

MEETING OPEN TO THE PUBLIC:

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

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

A motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Koelling – all ayes

No Public Comment

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

ADJOURNMENT:

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

Meeting adjourned at 8:02pm

Regular Meeting of the Mayor & Council will be held at 7:30pm on Thursday, February 13, 2025

Respectfully submitted, Frances Scordo, Municipal Clerk