

**AGENDA
PUBLIC MEETING
BOROUGH OF MONTVALE
Mayor and Council Meeting
November 14, 2024
Closed Executive Session to Commence 7:00PM
Meeting to Commence 7:30PM**

CLOSED/EXECUTIVE SESSION:

Motion to move into Executive Session as provided for by Resolution No. 15-2024 adopted on January 1, 2024 and posted on the bulletin board in the Municipal Building

The Mayor and Council will go into a Closed Executive Session for the following:

- a. Attorney Client Privilege – Potential Litigation – Affordable Housing

Minutes to be disclosed as per the Open Public Meetings Act matters discussed will be disclosed to the public when such matters are finally determined and there is no reason to prohibit the public disclosure of information relating to such matters.

ROLL CALL:

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

ORDINANCES:

INTRODUCTION OF ORDINANCE NO. 2024-1561 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 170 OF THE BOROUGH CODE TO REVISE ENGINEERING FEES TO A "FLAT FEE" STRUCTURE
(public hearing 12-12-24)

INTRODUCTION OF ORDINANCE NO. 2024-1562 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 344 OF THE BOROUGH CODE TO REVISE THE BOROUGH'S STORMWATER MANAGEMENT ORDINANCE
(public hearing 12-12-24)

MEETING OPEN TO PUBLIC:

Agenda Items Only

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

October 29, 2024

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.

- 190-2024 Authorizing Refund of Redemption of Tax Sale Certificate #22-00001 for Block 1503; Lot 2, 3 Pine Street
- 191-2024 Authorize Budget Transfers Between Appropriation Accounts Pursuant To N.J.S.A. 40a:4-58
- 192-2024 A Resolution Amending a Professional Services Contract to King, Moench & Collins LLP to Serve as Special Counsel for Affordable Housing Litigation
- 193-2024 Authorize Release of Escrow-RW Dake and Co. Inc.-33 South Kinderkamack Rd-Block 2402, Lot 2
- 194-2024 Award Professional Service Contract to Colliers Engineering & Design, for Tier A Municipal Stormwater Permit, Storm Water Outfall Inspections and Storm Sewer Locations
- 195-2024 Authorize Execution of Agreement with Summit Ridge Condominium Association Municipal Service Agreement
- 196-2024 Authorize Release Of Performance Surety Bond – SHG Montvale MB, LLC - Block 2702, Lot 1; and Block 2801, Lot 2 and Posting of Two-Year Maintenance Bond
- 197-2024 Authorize Release of the Performance Surety Bond for - Montvale Development Associates II, LLC – Block 2802; Lot 2 and Posting of Two-Year Maintenance Bond
- 198-2024 Authorize Release of the Outstanding Balance of the Performance Guarantee for - Montvale Development Associates, LLC - Block 2802; Lot 2 & 3 - Block 1002; Lots 3 & 5

BILLS:

REPORT OF REVENUE:

COMMITTEE REPORTS:

ENGINEER'S REPORT:

ATTORNEY'S REPORT:

ADMINISTRATOR'S REPORT:

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

COMMUNICATION CORRESPONDENCE:

None

MEETING OPEN TO THE PUBLIC:

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

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

Regular Meeting of the Mayor & Council to be held at 7:30pm on Tuesday, November 26, 2024

**BOROUGH OF MONTVALE
ORDINANCE NO. 2024-1561**

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 November 14, 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 December 12, 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 AMENDING AND SUPPLEMENTING CHAPTER 170 OF THE BOROUGH CODE TO REVISE ENGINEERING FEES TO A "FLAT FEE" STRUCTURE

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

Section 1. Chapter 170, "Construction Codes, Uniform," Section 11, "Other certificates and permits," is hereby amended by replacing Subsection H thereof to read as follows:

§170-11 Other certificates and permits.

H. Engineering fees.

- (1) In order to ensure that the Borough standards are met for all site improvements, including curbs, sidewalks, driveway pavement, seepage pits and to create zero runoff from new residential single-family dwelling construction and additions, swimming pools, tennis and retaining walls over four feet, the following fees shall be collected at the time an application is made that will require engineering plan review and construction inspection. An administrative fee of 20% will be added to the base fees to be retained by the construction department.

	Engineering	Administrative	Initial Fee	Re-Review
New single-family dwelling	\$1000	\$200	\$1200	\$200
Additions to single- family dwelling	\$1000	\$200	\$1200	\$200
Swimming pools, tennis courts	\$1000	\$200	\$1200	\$200
Retaining walls over four feet in height	\$500	\$100	\$600	\$150
Other site improvements affecting impervious coverage or runoff	\$500	\$100	\$600	\$150

- (2) If the submitted plans are insufficient or need to be revised by the applicant requiring an additional review by the Borough Engineer, the applicant shall be required to additionally pay the "re-review" fee identified above. There shall be no administrative charge on the "re-review" fee.
- (3) In the event that there is a material change in the scope of the project (defined as an increase or decrease in the value of the anticipated improvements by 50% or more), the applicant shall be required to deposit additional engineering fees according to the original schedule above. *(By way of example, an applicant proposes a \$100,000 addition and deposits \$1,000 in engineering fees plus a \$200 administrative fee. The applicant then revises the plans to propose a \$200,000 addition instead. The applicant is required to submit an additional \$1,000 in engineering fees, not the "re-review" fee. No additional administrative fees would be collected.)*
- (4) Upon withdrawal of the application or completion of the work specified in the application, the total engineering fee deposited, including any re-review fees, shall be paid to the engineer.

Section 2. All other provisions of Section 170-11 other than subsection H shall remain unchanged.

Section 3. Any article, section, paragraph, subsection, clause, or other provision of the Borough of Montvale Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 5. This ordinance shall take effect January 1, 2025, after its passage and publication as required by law.

Section 6. All applications submitted prior to the effective date of this ordinance shall continue to be processed under the existing engineering fee schedule and procedure.

MICHAEL GHASSALI, Mayor

ATTEST:
FRANCES SCORDO, Municipal Clerk

INTRODUCTION: 11-14-24

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

ADOPTED: 12-12-24

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

**BOROUGH OF MONTVALE
ORDINANCE NO. 2024-1562**

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 November 14, 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 December 12, 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 344 OF THE BOROUGH CODE TO REVISE THE
BOROUGH'S STORMWATER MANAGEMENT ORDINANCE**

WHEREAS, as a result of new NJDEP and other regulations, it is necessary for the Borough of Montvale to revise its stormwater management ordinance.

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

Section 1. The Code of the Borough of Montvale, Chapter 344, "Stormwater Management," Article I, "Major Developments," is hereby repealed in its entirety and replaced as follows:

**Chapter 344
Stormwater Management**

Article I – Major Developments

§344-1 Scope and Purpose.

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater

management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in 344-2.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by Borough of Montvale.
3. An application required by ordinance pursuant to C.1 above that has been submitted prior to the effective date of this ordinance, shall be subject to the stormwater management requirements then in effect.
4. An application required by ordinance for approval pursuant to C.1 above that has been submitted on or after March 2, 2021, but prior to the effective date of this ordinance, shall be subject to the stormwater management requirements then in effect.
5. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.
6. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed

by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§344-2 Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA Centers, Cores or Nodes” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

“CAFRA Planning Map” means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

“Community basin” means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

“Compaction” means the increase in soil bulk density.

“Contributory drainage area” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the Board of County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.* In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 *et seq.*

“Disturbance” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Empowerment Neighborhoods” means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

- A. Treating stormwater runoff through infiltration into subsoil;
- B. Treating stormwater runoff through filtration by vegetation or soil; or
- C. Storing stormwater runoff for reuse.

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a sub-watershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Lead planning agency” means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

“Major development”

- A. an individual “development,” as well as multiple developments that individually or collectively result in:
 - (1) The disturbance of one or more acres of land since February 2, 2004;
 - (2) The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;

- (3) The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021; or
- (4) A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

B. Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of Subsection A(1), (2), (3), or (4) above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

“Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, race-tracks, and runways.

“Municipality” means any city, borough, town, township, or village.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with 344-4F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works.

“Pollutant” includes both hazardous and nonhazardous pollutants.

“Public roadway or railroad” means a pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

“Public transportation entity” means a Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 *et seq.*), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Regulated impervious surface” means any of the following, alone or in combination:

- A. A net increase of impervious surface;
- B. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is

- constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
- C. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
 - D. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

“Regulated motor vehicle surface” means any of the following, alone or in combination:

- A. The total area of motor vehicle surface that is currently receiving water;
- B. A net increase in motor vehicle surface; and/or
- C. Quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater management BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management planning agency” means a public body authorized by legislation to prepare stormwater management plans.

“Stormwater management planning area” means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

- A. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- B. Designated as CAFRA Centers, Cores or Nodes;
- C. Designated as Urban Enterprise Zones; and
- D. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§344-3 Design and Performance Standards for Stormwater Management Measures.

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 - 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 - 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

§344-4 Stormwater Management Requirements for Major Development.

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with 344-10.

- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Subsections P, Q and R:
1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion.
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Subsections O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
- (1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - (2) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Subsections O, P, Q and R to the maximum extent practicable;
 - (3) The applicant demonstrates that, in order to meet the requirements of Subsections O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - (4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Subsection D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Subsections O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Subsections O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the

stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

<https://dep.nj.gov/stormwater/bmp-manual/>.

- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

<u>Table 1</u> <u>Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Cistern</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>--</u>
<u>Dry Well^(a)</u>	<u>0</u>	<u>No</u>	<u>Yes</u>	<u>2</u>
<u>Grass Swale</u>	<u>50 or less</u>	<u>No</u>	<u>No</u>	<u>2^(e)</u> <u>1^(f)</u>
<u>Green Roof</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>--</u>
<u>Manufactured Treatment Device^{(a) (g)}</u>	<u>50 or 80</u>	<u>No</u>	<u>No</u>	<u>Dependent upon the device</u>
<u>Pervious Paving System^(a)</u>	<u>80</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Small-Scale Bioretention Basin^(a)</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Small-Scale Infiltration Basin^(a)</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>

<u>Small-Scale Sand Filter</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Vegetative Filter Strip</u>	<u>60-80</u>	<u>No</u>	<u>No</u>	<u>--</u>

Table 2 <u>Green Infrastructure BMPs for Stormwater Runoff Quantity</u> <u>(or for Groundwater Recharge and/or Stormwater Runoff Quality</u> <u>with a Waiver or Variance from N.J.A.C. 7:8-5.3)</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Bioretention System</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Infiltration Basin</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Sand Filter^(b)</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Standard Constructed Wetland</u>	<u>90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Wet Pond^(d)</u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

Table 3 <u>BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or</u> <u>Stormwater Runoff Quantity</u> <u>only with a Waiver or Variance from N.J.A.C. 7:8-5.3</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Blue Roof</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Extended Detention Basin</u>	<u>40-60</u>	<u>Yes</u>	<u>No</u>	<u>1</u>
<u>Manufactured Treatment Device^(h)</u>	<u>50 or 80</u>	<u>No</u>	<u>No</u>	<u>Dependent upon the device</u>
<u>Sand Filter^(c)</u>	<u>80</u>	<u>Yes</u>	<u>No</u>	<u>1</u>

<u>Subsurface Gravel Wetland</u>	<u>90</u>	<u>No</u>	<u>No</u>	<u>1</u>
<u>Wet Pond</u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Subsection O.(2) below;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at 344-2;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at 344-2.

- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with 344-6B. Alternative stormwater management measures may be used to satisfy the requirements at Subsection O only if the measures meet the definition of green infrastructure at 344-2. Alternative stormwater management measures that function in a similar manner to a BMP listed at Subsection O.2 are subject to the contributory drainage area limitation specified at Subsection O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Subsection O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Subsection D is granted Subsection O.

- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
- (1) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 - (2) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of 344-8C of this article;
 - (3) Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 - (4) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at 344-8; and
 - (5) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at 344-2 may be used only under the circumstances described at Subsection O.4 below.

- K. Any application for a new agricultural development that meets the definition of major development at 344-2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Subsections O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Subsections P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the *Office of the Bergen County Clerk*. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Subsections O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to 344-10B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to 344-4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the

Office of the Bergen County and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

- (1) This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
- (2) To satisfy the groundwater recharge and stormwater runoff quality standards at Subsections P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Subsection F. and/or an alternative stormwater management measure approved in accordance with Subsection G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

<u>Best Management Practice</u>	<u>Maximum Contributory Drainage Area</u>
<u>Dry Well</u>	<u>1 acre</u>
<u>Manufactured Treatment Device</u>	<u>2.5 acres</u>
<u>Pervious Pavement Systems</u>	<u>Area of additional inflow cannot exceed three times the area occupied by the BMP</u>
<u>Small-scale Bioretention</u>	<u>2.5 acres</u>
<u>Small-scale Infiltration Basin</u>	<u>2.5 acres</u>
<u>Small-scale Sand Filter</u>	<u>2.5 acres</u>

- (3) To satisfy the stormwater runoff quantity standards at Subsection R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Subsection G.
- (4) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Subsection D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Subsection G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Subsection, Q and R.
- (5) For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example,

a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Subsections P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Subsection D.

P. Groundwater Recharge Standards

- (1) This subsection contains the minimum design and performance standards for groundwater recharge as follows:
- (2) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at 344-5, either:
 - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Section 5.D of this ordinance is infiltrated.
- (3) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to Subsection 4 below.
- (4) The following types of stormwater shall not be recharged:
 - (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - (b) Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that

is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
- (2) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - (a) Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - (b) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
- (3) The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
- (4) The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

- (5) If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

- (6) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Subsections P, Q and R.
- (7) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
- (8) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
- (9) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
- (10) The stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
- (2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Subsection 344-5, complete one of the following:
 - (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and

determined in Section 344-5.C and D, respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

- (b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to 344-5C and D, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - (c) Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section 344-5.C and D, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - (d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.(a), (b) and (c) above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
- (3) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§344-5 Calculation of Stormwater Runoff and Groundwater Recharge.

A. Stormwater runoff shall be calculated in accordance with the following:

- (1) The design engineer shall calculate runoff using the following method:
 - (a) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 *Part 630, Hydrology National Engineering Handbook*, incorporated herein by

reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

<https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>

or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.

- (2) For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology above at Subsection A.1(a). A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
- (3) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
- (4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
- (5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32: A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/greport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420
Mail Code 29-01, Trenton, New Jersey 08625-0420.

C. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

- (1) The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service's Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and

- (2) The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.01	1.02	1.03
Bergen	1.01	1.03	1.06
Burlington	0.99	1.01	1.04
Camden	1.03	1.04	1.05
Cape May	1.03	1.03	1.04
Cumberland	1.03	1.03	1.01

Essex	1.01	1.03	1.06
Gloucester	1.05	1.06	1.06
Hudson	1.03	1.05	1.09
Hunterdon	1.02	1.05	1.13
Mercer	1.01	1.02	1.04
Middlesex	1.00	1.01	1.03
Monmouth	1.00	1.01	1.02
Morris	1.01	1.03	1.06
Ocean	1.00	1.01	1.03
Passaic	1.00	1.02	1.05
Salem	1.02	1.03	1.03
Somerset	1.00	1.03	1.09
Sussex	1.03	1.04	1.07
Union	1.01	1.03	1.06
Warren	1.02	1.07	1.15

- D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.22	1.24	1.39
Bergen	1.20	1.23	1.37
Burlington	1.17	1.18	1.32
Camden	1.18	1.22	1.39
Cape May	1.21	1.24	1.32
Cumberland	1.20	1.21	1.39
Essex	1.19	1.22	1.33
Gloucester	1.19	1.23	1.41
Hudson	1.19	1.19	1.23
Hunterdon	1.19	1.23	1.42
Mercer	1.16	1.17	1.36
Middlesex	1.19	1.21	1.33
Monmouth	1.19	1.19	1.26
Morris	1.23	1.28	1.46
Ocean	1.18	1.19	1.24
Passaic	1.21	1.27	1.50
Salem	1.20	1.23	1.32
Somerset	1.19	1.24	1.48
Sussex	1.24	1.29	1.50
Union	1.20	1.23	1.35
Warren	1.20	1.25	1.37

§344-6 Sources for Technical Guidance.

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

<https://dep.nj.gov/stormwater/bmp-manual/>.

- (1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

(2) Additional maintenance guidance is available on the Department's website at:

<https://dep.nj.gov/stormwater/maintenance-guidance/>.

B. Submissions required for review by the Department should be mailed to:

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

§344-7 Solids and Floatable Materials Control Standards.

A. Site design features identified under 344-4F above, or alternative designs in accordance with 344-4G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Subsection A.2 below.

(1) Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- (a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
- (b) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- (c) For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of

no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

B. The standard in A.1. above does not apply:

- (1) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- (2) Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- (3) Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - (a) A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - (b) A bar screen having a bar spacing of 0.5 inches.
 - (c) Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).
- (4) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- (5) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§344-8 Safety Standards for Stormwater Management Basins.

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and

ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Subsection C.1, C.2, and, C.3 for trash racks, overflow grates, and escape provisions at outlet structures.

C. Requirements for Trash Racks, Overflow Grates and Escape Provisions

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - (a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - (b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - (c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - (d) The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - (a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - (b) The overflow grate spacing shall be no greater than two inches across the smallest dimension
 - (c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
3. Stormwater management BMPs shall include escape provisions as follows:
 - (a) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to Subsection C, a free-standing outlet structure may be exempted from this requirement;

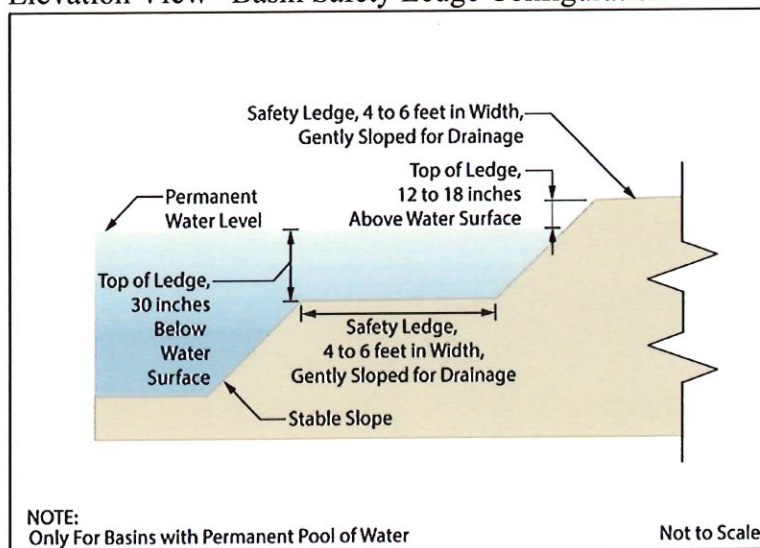
- (b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Subsection E for an illustration of safety ledges in a stormwater management BMP; and
- (c) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§344-9 Requirements for a Site Development Stormwater Plan.

A. Submission of Site Development Stormwater Plan

- (1) Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all the required components of the Checklist for the Site Development Stormwater Plan at Section IX.C below as part of the submission of the application for approval.

- (2) The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
- (3) The applicant shall submit copies of the materials listed in the checklist for site development stormwater plans in accordance with Subsection C below, with the number of copies to be specified by the Planning Board Secretary.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

(1) Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

(2) Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

(3) Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities,

structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

(4) Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of 344-3 through 344-5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(5) Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- (a) Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- (b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

(6) Calculations

- (a) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in 344-4 of this ordinance.
- (b) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

(7) Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of 344-10.

(8) Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Subsection C.1 through C.6 above when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§344-10 Maintenance and Repair.

A. Applicability

Projects subject to review as in 344-10 I.C of this ordinance shall comply with the requirements of Subsections B and C.

B. General Maintenance

- (1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
- (2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
- (3) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
- (4) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

- (5) If the party responsible for maintenance identified under Subsection B.3 above is not a public agency, the maintenance plan and any future revisions based on Subsection B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (6) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
- (7) The party responsible for maintenance identified under Subsection B.3 above shall perform all of the following requirements:
 - (a) maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - (b) evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - (c) retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Subsections B.6 and B.7 above.
- (8) The requirements of Subsections B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department. <https://dep.nj.gov/stormwater/maintenance-guidance/>.
- (9) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

§344-11 Violations and Penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the penalties as set forth in Chapter 1, Article I, General Penalty.

§344-12 Stormwater management for residential development not meeting definition of “Major Development”.

- A. Effective January 1, 2024, for all single-family and two-family residential development not meeting the definition of “major development” in this chapter, an applicant shall be required to design and construct improvements to store and infiltrate three inches of rainfall any time there is an increase in impervious coverage greater than 1.5% of the total lot area. This requirement shall be cumulative, meaning that whenever the aggregate increase in impervious coverage resulting from multiple applications after January 1, 2024, exceeds 1.5% of the total lot area, the storage and infiltration requirements shall apply.
- B. The storage and infiltration requirements in this section may be satisfied through the use of seepage pits, perforated pipe, or other means and methods reasonably acceptable to the Borough Engineer.
- C. The Borough Engineer may waive the requirements of this section should the applicant demonstrate that the installation of the required stormwater improvements is impractical or would otherwise impose an undue hardship on the applicant.

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: 11-14-24

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

ADOPTED: 12-12-24

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

**WORK SESSION
MINUTES**

The Work Session Meeting of the Mayor and Council was in the Council Chambers and called to order at 7:37pm. Adequate notification was published in the official newspaper of the Borough of Montvale. Roll call was taken.

OPEN PUBLIC MEETING STATEMENT

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

ROLL CALL:

Councilmember Arendacs
Councilmember Cudequest
Councilmember Koelling

Councilmember Lane
Councilmember Roche
Councilmember Russo-Vogelsang

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

PRESENTATION – ECONOMIC DEVELOPMENT COMMITTEE

Presentation by Overskies Brand Storytelling and Outreach included with original minutes

ORDINANCES:

PUBLIC HEARING OF ORDINANCE NO. 2024-1560 AN ORDINANCE APPROPRIATING THE SUM OF NOT MORE THAN \$40,000 FROM THE CAPITAL IMPROVEMENT FUND IN CONNECTION WITH THE PURCHASE OF A DOUBLE WALL BRINE TANK

WHEREAS, the Borough of Montvale wishes to appropriate the sum of up to \$40,000 from its Capital Improvement Fund in connection with the purchase of a double wall brine tank for use by the Pascack Valey DPW in order to comply with certain NJDEP regulations.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Montvale as follows:

1. The recitals set forth above are incorporated as if set forth herein at length.
2. There is hereby appropriated the sum of up to \$40,000 from the Capital Improvement Fund of the Borough of Montvale for the aforementioned purchase.
3. The capital budget of the Borough of Montvale for 2024 is hereby amended to reflect the appropriation authorized by this ordinance.
4. There is no debt authorized by this ordinance.
5. This ordinance shall take effect upon passage after second reading and publication as required by law.

*A motion Introduced for second reading **Ordinance No. 2024-1560** by Councilmember Russo-Vogelsang; seconded by Councilmember Cudequest; Clerk read by title only.*

*Motion to open meeting to public by Councilmember Lane; seconded by Councilmember Roche
- all ayes
No Public Comment*

Motion to close meeting to the public by Councilmember Cudequest; seconded by Councilmember Lane - all ayes Motion to adopt on Second and Final Reading in The Bergen Record by Councilmember Lane; seconded by Councilmember Cudequest; Clerk read by title only - All ayes on a roll call vote

MINUTES:

October 10, 2024

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

CLOSED SESSION MINUTES:

October 10, 2024

A motion to accept closed session minutes by Councilmember Lane; seconded by Councilmember Cudequest - all ayes with the exception of Councilmember Roche 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.

185-2024 A Resolution Awarding a Contract to Reed Systems, LTD for One (1) 5500-Gallon Double-Wall Brine Tank Pursuant to ESCNJ Contract 23/24-04

WHEREAS, the Borough of Montvale has a need to acquire one (1) 5500-Gallon Double-Wall Brine Tank and related equipment for use by the Pascack Valley Department of Public Works in order to comply with new NJDEP regulations, consistent with the Shared Services Agreement between Montvale and River Vale; and

WHEREAS, the Borough did solicit a proposal from Reed Systems, LTD pursuant to ESCNJ Contract 23/24-04; and

WHEREAS, Reed did submit a proposal for said equipment in the total amount of \$38,093.95; and

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

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

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

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

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

Vendor	Contract Amount
Reed Systems, LTD 17 Edwards Place Ellenville, New York 12428	\$38,093.95

186-2024 Authorize Execution of Agreement with Townhomes at Olde Woods Condominium Association Municipal Service Agreement

WHEREAS, the Condo Services Act provides for a phase in schedule for municipal reimbursement payment at the municipal cost for certain enumerated municipal services or the providing of such services by the municipality in lieu of such reimbursement; and
WHEREAS, an agreement has been negotiated between the Borough of Montvale and Townhomes at Olde Woods Condominium Association to satisfy the obligation of the Borough as provided by the Condo Service Act, which agreement is attached and made part of this resolution; and
WHEREAS, this agreement shall remain in effect for a five year period to commence on January 1, 2024 and terminating on December 31, 2028; and
NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale hereby authorize the execution of the attached Agreement on behalf of the municipality by the appropriate municipal officials.

187-2024 A Resolution Authorizing the Borough of Montvale Police Department to Apply, Enroll and Participate in the Department of Defense Law Enforcement Support Office ("LESO") 1033 Program to Enable the Montvale Police Department to Request and Acquire Excess Department of Defense Equipment

WHEREAS, the Department of Defense Law Enforcement Support Office ("LESO") facilitates a law enforcement support program, which originated from the National Defense Authorization Act of Fiscal Year 1997; and
WHEREAS, Federal law permits the Secretary of the United States Department of Defense to transfer to municipal, federal and State agencies personal property of the Department of Defense that the secretary determines is suitable for use by agencies in law enforcement activities; and
WHEREAS, informally known as the "1033 Program", this initiative allows local law enforcement agencies to obtain, at little or no cost, surplus federal property, including vehicles, small arms, rescue equipment, medical supplies, and even office supplies originally intended for use by the United States Armed Forces; and
WHEREAS, although equipment is provided through the 1033 Program at no cost to municipal law enforcement agencies, these entities are responsible for costs associated with the maintenance, fueling and upkeep of this equipment, and for specialized training for its operation; and
WHEREAS, on March 16, 2015, Governor Christie signed Senate Bill No. 2364 (P.L. 2015, c.23), which now establishes, in the absence of federal requirements, a system of local oversight over local law enforcement agencies that participate in and acquire equipment through the 1033 Program; and
WHEREAS, pursuant to N.J.S.A. 40A:5-30.2a, municipal governing bodies must now authorize participation in the 1033 Program by a "resolution adopted by a majority of the full membership of the governing body of a local unit prior to transmittal of any such application to the State Coordinator" of the 1033 Program; and
WHEREAS, pursuant to N.J.S.A. 40A:5-30.2b, the acquisition of any property by a local law enforcement agency shall be approved by a "resolution adopted by a majority of the full membership of the governing body"; and

WHEREAS, the Chief of Police of the Montvale Police Department has requested that the Governing Body authorize the Police Department to participate in the 1033 Program; and **WHEREAS**, the Governing Body of the Borough of Montvale has determined that it is in the best interests of the residents of the Borough of Montvale to authorize the Police Department to apply, enroll and participate in the 1033 Program.

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

1. The Chief of Police or his designee, on behalf of the Montvale Police Department, is hereby authorized and empowered to apply, enroll and participate in the Department of Defense Law Enforcement Support Office 1033 Program, with the authorization to participate terminating on December 31 of the current calendar year.
2. The Chief of Police shall be responsible for ensuring compliance with the requirements for participation as outlined in 10 U.S.C. 2576a for all controlled equipment.
3. The Montvale Police Department is hereby authorized to acquire items of non-controlled property designated as DEMIL A, which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Montvale Police Department, without restriction.
4. The Montvale Police Department is further authorized to acquire the identified "DEMIL B through Q" property on Exhibit A, attached hereto and expressly made a part hereof, if it shall become available in the period of time for which this resolution authorizes.
5. The Police Chief shall develop and implement a full training plan and policy for the maintenance and use of any acquired property; and
6. Pursuant to N.J.S.A. 40A:5-30.2b, the Chief of Police, or his designee, shall maintain an inventory of surplus property obtained under the 1033 Program, and shall provide a quarterly accounting of all property obtained through the 1033 Program, which shall be available to the public upon request; and
7. This resolution shall take effect immediately and shall be valid to authorize requests to acquire the above-identified DEMIL A property and DEMIL B through Q property that may be made available through the 1033 Program during the period of time for which this resolution authorizes, with Program participation and all property request authorization terminating on December 31 of the current calendar year.

188-2024 Refund Tax Overpayment - Block 2401; Lot 3 – 22 W Grand Ave

WHEREAS, a resolution authorizing the Borough of Montvale to refund an overpayment of taxes for Block 2401; Lot 3, 22 W grand Ave; and

WHEREAS, a duplicate payment was made by the owner resulting in an overpayment in the amount \$10,026.60 for installments 3 and 4; 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 Rothman Realty, LLC, 411 Grand Ave, Englewood, NJ 07631 in the amount of \$10,026.60

189-2024 Authorize Execution of Agreement with Charlestowne Court Homeowners Association Municipal Service Agreement

WHEREAS, the Condo Services Act provides for a phase in schedule for municipal reimbursement payment at the municipal cost for certain enumerated municipal services or the providing of such services by the municipality in lieu of such reimbursement; and

WHEREAS, an agreement has been negotiated between the Borough of Montvale and Charlestowne Court Homeowners Association to satisfy the obligation of the Borough as provided by the Condo Service Act, which agreement is attached and made part of this resolution; and

WHEREAS, this agreement shall remain in effect for a five year period to commence on January 1, 2025 and terminating on December 31, 2029; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale hereby authorize the execution of the attached Agreement on behalf of the municipality by the appropriate municipal officials.

*Introduced by: Councilmember Russo-Vogelsang; 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 Cudequest - all ayes

ENGINEERS REPORT: Carl O'Brien

Finalizing the report on Valley View pump station; W Grand Ave paving has been completed; Woodland Road NJDOT project has been submitted; working on a flat fee schedule for engineering fees for the building department; Mayor Ghassali stated the traffic light at Summit and Paragon, Carl stated he will reach out to the County

ATTORNEY REPORT: David Lafferty, Esq.

No Report

ADMINISTRATOR REPORT: Joe Voytus

We do not have the date for the closure of the ramp on the parkway

UNFINISHED BUSINESS:

None

NEW BUSINESS:

a. Discussion – Best Practices Worksheet

Joe stated we scored 42 points so we will not lose any State Aid

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 Roche – all ayes

ADJOURNMENT:

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

Meeting adjourned at 8:10 pm

Respectfully submitted, Frances Scordo, Municipal Clerk

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 190-2024**

**RE: Authorizing Refund of Redemption of Tax Sale Certificate #22-00001 for Block 1503;
Lot 2, 3 Pine Street**

WHEREAS, at the Municipal Tax Sale held on October 26, 2023, a lien was sold on Block 1503, Lot 2, also known as 3 Pine Street for 2022 property taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate #22-00001, was sold to Touma & Associates, 30 Henry Street, Glen Rock, NJ 07452 at 0% interest rate and a premium in the amount of \$25,500.00; and

WHEREAS, PHH Mortgage Services has affected redemption of Tax Sale Certificate #22-00001 in the amount of \$31,734.64; 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 Tax Collector be and is hereby authorized to Redeem Certificate #22-00001 in the amount of \$31,734.64 plus \$25,500.00 premium for a total amount of \$57,234.64 to Touma & Associates, 30 Henry Street, Glen Rock, NJ 07452

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

Adopted: November 14, 2024

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 191-2024**

RE: Authorize Budget Transfers Between Appropriation Accounts Pursuant To *N.J.S.A. 40a:4-58*

WHEREAS, certain transfers of funds for various 2024 budget appropriations are necessary to cover anticipated expenditures; and

WHEREAS, *N.J.S.A. 40A:4-58* provides for the transfer of appropriations with excess over and above the amount deemed necessary to fulfill their purposes to those appropriations considered to be insufficient; and

WHEREAS, the appropriations subject to fund transfers hereby are not within those restricted by *N.J.S.A. 40A:4-58* for transfer purposes.

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 Chief Financial Officer shall and is hereby authorized to make transfers between appropriations accounts of the 2024 Municipal Budget as follows:

	FROM	TO
General Appropriations		
(A) Operations – within "CAPS"		
GENERAL GOVERNMENT FUNCTIONS		
State Uniform Construction Code		
Construction Official		
Other Expenses	\$8,500	
Construction Official		
Salaries & Wages		\$8,500
MUNICIPAL COURT FUNCTIONS		
Municipal Court Administration		
Salaries & Wages	\$6,000	
Municipal Court Administration		
Other Expenses		\$6,000
(A) Operations – Excluded from "CAPS"		
Shared Service Agreements		
Municipal Court Administration		
Salaries and Wages	\$15,000	
Municipal Court Administration		
Other Expenses		\$15,000
Pascack Valley Regional School District		
Special Police		
Other Expenses	\$600	
Pascack Valley Regional School District		
Special Police		
Salaries and Wages		\$600

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

Adopted: November 14, 2024

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 192-2024**

RE: A Resolution Amending a Professional Services Contract to King, Moench & Collins LLP to Serve as Special Counsel for Affordable Housing Litigation

WHEREAS, the Governing Body previously awarded a professional services contract to Michael Collins, Esq. and King, Moench & Collins LLP ("KMC") to serve as Special Counsel for Affordable Housing Litigation to represent the Borough (and other municipalities) in connection with a challenge to the recent legislation concerning Round 4 of the state-wide affordable housing obligations; and

WHEREAS, the Borough's initial award had a "not to exceed" figure of \$30,000, and the Borough is desirous of increasing this figure to a "not to exceed" value of \$100,000; and

WHEREAS, the payments for KMC's services shall come from the Trust Fund established with funds from all participating municipalities; and

WHEREAS, pursuant to *N.J.S.A. 40A:11-5(a)(i)*, a professional services contract is exempt from public bidding requirements; and

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

NOW, THEREFORE, BE IT RESOLVED that the professional services contract with Michael Collins, Esq. and King, Moench & Collins LLP to serve as Special Counsel for Affordable Housing Litigation is hereby amended to increase the "not to exceed" figure to \$100,000; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and empowered to execute a contract consistent with the provisions and intent of this Resolution, subject to approval of same by the Borough Attorney; and

BE IT FURTHER RESOLVED that the Borough Clerk shall publish notice of this contract award in the official newspaper of the Borough, in accordance with *N.J.S.A. 40A:11-5*.

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

Adopted: November 14, 2024

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO.193-2024**

RE: Authorize Release of Escrow – RW Dake and Co. Inc.– 33 South Kinderkamack Road – Block 2402, Lot 2

WHEREAS, RW Dake and Co. Inc. has requested release of escrow posted for 33n S. Kinderkamack Road – Block 2402, Lot 2; and

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

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale hereby release escrow to KPMG LLP in the amount of \$330.00; and

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

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

Adopted: November 14, 2024

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
ESCROW AND/OR BOND RELEASE**

10/7/2024

BLOCK 2402 Lot 2

APPLICANT: RW Dake and Co Inc.

ADDRESS 33 S. Kinderkamack

100 Bluff Drive

East Rochester, NY 14445

SIGN OFFS

DEPARTMENT	NAME	SIGNATURE	DATE
FINANCE	Christine Kalafut	<i>Christine Kalafut</i>	<i>10/18/24</i>
ENGINEERING	Carl O'Brien	<i>Christine Baker - see attached</i>	<i>10-17-2024</i>
ENGINEERING	Darlene Green	<i>Christine Baker - see attached</i>	<i>10-7-2024</i>
CONSTRUCTION	Jeanne Fondacaro / Chris Gruber	<i>Christine Baker - see attached</i>	<i>10-8-2024</i>
PLANNING BOARD ATTY	Robert Regan / Barbara Esposito	<i>Christine Baker - see attached</i>	<i>10-16-2024</i>
PLANNING BOARD ADMINISTRATOR- FINAL SIGNATURE	Lorraine Hutter Joe Voytus	<i>Christine Baker - see attached</i> <i>[Signature]</i>	<i>10-7-2024</i> <i>10-18-24</i>
		RELEASE DATE:	
ACCOUNT #	E-08-00-218-12A	\$330.00	AMOUNT: \$330.00

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 194-2024**

RE: Award Professional Service Contract to Colliers Engineering & Design, for Tier A Municipal Stormwater Permit, Storm Water Outfall Inspections and Storm Sewer Locations

WHEREAS, the Borough of Montvale is required to perform inspections on all stormwater outfalls. One third has been completed and the final third by end of 2025. This requirement deems it necessary to engage the professional services of an Engineer to provide inspection services for the Montvale's Tier A- Municipal Stormwater General Permit; and

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

WHEREAS, Colliers Engineer & Design, 300 Tice Blvd, Suite 101, Woodcliff Lake, NJ 07677 has submitted a proposal dated November 7, 2024 which is attached to this resolution; and

WHEREAS, Colliers will perform the preparation of the MS4 compliance report, Storm Sewer Outfall and Detention Basin Inspections, and GIS mapping of approximately one third of the Borough's stormwater conveyance system for a cost not to exceed \$50,000.00; and

WHEREAS, the Certified Municipal Finance Officer certifies funds are available said certification is hereto attached to the original of this resolution; and.

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

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

Adopted: November 14, 2024

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

300 Tice Boulevard Suite 101
Woodcliff Lake New Jersey 07677
Main: 877 627 3772

Colliers

Engineering
& Design

November 7, 2024

Joseph Voytus, Borough Administrator
Borough of Montvale
12 Depiero Drive
Montvale, NJ 07645

Storm Sewer Outfall Inspections and GIS Mapping
Professional Engineering Services
Borough of Montvale, Bergen County, NJ
Colliers Engineering & Design Project No. MVB0076P

Dear Mr. Voytus,

Colliers Engineering & Design (CED) is pleased to submit this agreement for Professional Engineering Services associated with inspection of approximately 124 stormwater outfalls within the Borough's jurisdiction, and GIS mapping of approximately one-third of the Borough's stormwater conveyance systems and private detention basins within the Borough. Please note that approximately one-third of the GIS mapping was completed in 2024 and mapping of the remainder needs to be completed by the end of 2025. This is a requirement of the Borough's Tier A – Stormwater General Permit.

SCOPE OF SERVICES

TASK 1.0 OUTFALL INSPECTION SERVICES

The purpose of the inspections is to verify the physical condition of the outfalls (deterioration or scour) and to determine if there are any illicit connections (flow other than stormwater) into the Borough Storm Sewer System. The detention basin inspection is also to verify the physical condition of the basin, that it is functioning, and recommend required maintenance.

A report of the stormwater outfall structures and detention basins will be delivered to the Borough DPW Superintendent for immediate work orders in those locations that are failing or require debris and sediment removal. The report will be accompanied by commentary and photographs pertaining to the outfall and stream scouring remediation, illicit connection elimination (if any) which discharges into the water bodies and roadway erosion control, and detention basin identification. Where corrective action is required, CED will advise the DPW of the necessary corrective work and maintenance. For those areas that the DPW cannot address, coordination with outside vendors and/or contractors may be required. Certain cleaning or maintenance activities conducted in New Jersey's streams and rivers require permits pursuant to the Freshwater Wetland (FWW) Protection Act Rules (N.J.A.C. 7:7A) and the Flood Hazard Area Control (FHA) Act Rules (N.J.A.C. 7:13). However, minor cleaning activities can be conducted without the need to obtain either permit. Unless necessary, the corrective work will pertain to minor cleaning activities as defined by NJDEP FHA and FWW regulations. Coordination with site access may be necessary and temporary or permanent easements may be required.

As part of the Tier-A Municipal Stormwater Permit requirements as designated by NJDEP, the Borough is responsible to identify and eliminate the illicit connections that currently discharge into the water bodies. During our investigation, should illicit connections be identified, they shall be noted and the appropriate documentation forms specific to the outfall will be prepared.

If the source of the illicit connection is not able to be immediately identified, then a separate agreement will be prepared to perform the additional engineering services needed to further investigate the source of the illicit connection and responsible party.

Water sampling necessary to identify potential illicit discharges has not been included in this agreement. Our team will prepare a list of outfalls that we recommend for water sampling. Outfalls will be recommended for water sampling if dry weather flow combined with one potential illicit discharge indicator, such as odor or floatables are observed.

TASK 2.0 GIS MAPPING SERVICES

As you are aware, the NJDEP now requires municipalities to map their entire stormwater conveyance system (including depth and size of pipe). This mapping is required to be completed by the end of 2025. The Borough previously completed one-third of the mapping; this agreement includes an additional one-third of the mapping, with the final one-third to occur in 2025 (separate agreement will be prepared for the final one-third services).

<u>Asset Type</u>	<u>Asset Attributes</u>
Catch Basin Inlet	Owner, Inlet Type, Depth to Invert, Rim Elevation, Bicycle Grate Presence, Clean Water Label/Cast Presence, Catch Basin Present, Retrofitted, Best Management Practice Presence
Manhole	Cover Diameter, Rim Elevation, Structure Type, Size Diameter, Photograph, Material (if visible), Comments
Detention/Retention Basin	Location Description, Bed Material, Bank Material, Trash Rack Presence, Fence Presence, Contributing Drainage Area Type
Swales/Ditch	Bed Material, Direction of Flow
Culvert	Owner, Type, Material, Diameter, Shape, Stream Name, Direction of Flow
Outfall	Elevation, Material, Receiving Surface Water Name, Type, Comments, Photograph
Ground Water Discharge Points	ID, Owner, Type, Comments
Interconnections	Type, Entity, Into/From
Pump Stations	ID, Owner, Comments
Gravity Main	Pipe Diameter, Pipe Material, Direction of Flow
Stormwater Facilities	ID, Owner, Type, Comments

CED's GIS staff has assumed the following when estimating the work to be completed in this phase:

- These features are accessible in the public right-of-way or a municipal easement and can be seen from the surface (i.e. not paved over or buried underground);
- The Borough will assist our team by coordinating access to assets that are within easements on public or private property;
- Borough will confirm that all inlets will be cleared of debris and accessible to the field team prior to the start of collection;
- CED will provide a map of manholes that require DPW support to access and open. These could include assistance in opening, clearing sites, and notifying property owners of equipment to relocate;
- The Borough DPW will support CED where possible;

Our team will notify the Department of Public Works (DPW) of manholes that cannot be opened or inlets that are full of debris. We assume that the DPW will continue to assist our team by opening these manholes and clearing debris from the catch basin inlets. We will revisit each of these structures one time, once the DPW has notified our team that the issue has been resolved.

FEE AGREEMENT

For your convenience, we have broken down the total estimated cost of the project into the categories identified within the Scope of Services.

TASK 1.0	OUTFALL INSPECTION SERVICES	\$ 16,500.00
TASK 2.0	GIS MAPPING SERVICES	\$ 33,500.00
TOTAL FEE		\$ 50,000.00

The above engineering services will be provided on an hourly basis not to exceed the listed amount. This contract and fee schedule are based upon the Borough Engineering Contract, authorized by the Borough.

ADDITIONAL SERVICES

If additional services beyond the scope presented herein are required and authorized, then such services shall be provided. Additional services may include, but are not limited to, preparation of permit applications, reproduction costs for plans, additional specifications, reports, etc. Additional services may also include special studies not indicated herein as well as revisions and/or supplemental effort, if required, after review of the prepared documents by the client and review agencies.

Fees for additional services will be based on our current Schedule of Hourly Rates or a negotiated fee basis after specific scope of services for additional effort has been defined.

EXCLUSIONS

If any item listed herein, or otherwise not specifically mentioned within this agreement or the Borough Engineering Agreement, is deemed necessary, CED may prepare an addendum to this agreement for your review, outlining the scope of additional services and associated professional fees regarding the

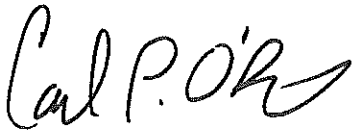
additional effort. Unanticipated additional services shall be in accordance with the Schedule of Hourly Rates for the number of hours performed. No additional effort will be performed without authorization from the Borough.

Please forward a copy of the Resolution of Approval and Purchase Order for this engineering agreement to this office. This will constitute approval of the proposed engineering services.

We thank you for the opportunity and look forward to providing the services required. If you have any questions, or if additional information is required, please do not hesitate to contact me.

Very truly yours,

Colliers Engineering & Design



Carl P. O'Brien, P.E., P.P., C.M.E., C.P.W.M.
Geographic Discipline Leader

CPO/nhc/jw

cc: Mayor and Council (via Clerk)
Andrew R. Hipolit, PE
Nick Chelius, PE

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 195-2024**

RE: Authorize Execution of Agreement with Summit Ridge Condominium Association Municipal Service Agreement

WHEREAS, the Condo Services Act provides for a phase in schedule for municipal reimbursement payment at the municipal cost for certain enumerated municipal services or the providing of such services by the municipality in lieu of such reimbursement; and

WHEREAS, an agreement has been negotiated between the Borough of Montvale and Summit Ridge Condominium Association to satisfy the obligation of the Borough as provided by the Condo Service Act, which agreement is attached and made part of this resolution; and

WHEREAS, this agreement shall remain in effect for a five year period to commence on January 1, 2024 and terminating on December 31, 2028; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale hereby authorize the execution of the attached Agreement on behalf of the municipality by the appropriate municipal officials.

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

Adopted: November 14, 2024

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

BOROUGH OF MONTVALE



PRIVATE COMMUNITY MUNICIPAL SERVICES AGREEMENT

THIS PRIVATE COMMUNITY MUNICIPAL SERVICES AGREEMENT made this ____ day of _____ 2024, by and between the BOROUGH OF MONTVALE, with offices at 12 DePiero Drive, Montvale, New Jersey 07645 (hereinafter the "Borough") and SUMMIT RIDGE CONDOMINIUM ASSOCIATION (hereinafter the "Association"), a homeowners association or other not-for-profit entity responsible for management of a qualified private community as defined in N.J.S.A. 40:67-23.2 et seq. (hereinafter the "Condo Services Act"), with its manager Cedarcrest Property Management, Inc., c/o Zina Timoney, 91 Clinton Road, Suite 2D, Fairfield, New Jersey 07004.

WITNESSETH:

WHEREAS, the Condo Services Act, *N.J.S.A. 40:67-23.2, et seq.*, provides for a phase-in schedule for municipal reimbursement payment at the municipal cost for certain enumerated municipal services or the providing of such services by a municipality in lieu of such reimbursement, and

WHEREAS, The Summit Ridge condominium complex ("Summit Ridge") includes approximately 0.35 miles of interior roadways ("Summit Ridge roadways"); and

WHEREAS, the Borough has determined that the Summit Ridge roadways would require six (6) streetlights to be consistent with the lighting provided in the Borough at-large, at a cost per-streetlight of \$202.86; and

WHEREAS, the Borough has further determined that the Summit Ridge roadways would require approximately six (6) hours per year spent on the removal of snow and other obstructions at the cost of \$215.00 per hour; and

WHEREAS, the municipal services covered by this Agreement consist solely of the following enumerated services (hereinafter the "Condo Services"):

- (1) Reimbursement for removal of snow, ice and other obstructions from the roads and streets; and
- (2) Reimbursement for the cost of lighting of the roads and streets, to the extent of payment for the electricity required, but not including the installation or maintenance of lamps, standards, wiring or other equipment; and
- (3) Collection, removal and disposal of leaves, recyclable materials and solid waste from the roads and streets.

WHEREAS, the Borough of the Association hereby agree that the Borough shall provide for the collection and disposal of solid waste and recyclable materials at Summit Ridge pursuant to its existing municipal contract for these services; and

WHEREAS, the Borough and the Association have agreed upon provisions for reimbursement to the Association by the Borough for other enumerated services in full satisfaction of the Borough's obligations under the Condo Services Act.

NOW, THEREFORE, in consideration of the foregoing, and for other good and valuable consideration duly acknowledged, the parties hereto agree as follows:

1. Purpose and Interpretation. This Agreement is intended to implement the Condo Services Act as presently in force in the State of New Jersey and shall be interpreted in a manner consistent with said current statutory enactment. In

the event of any subsequent amendment to the Condo Services Act, this Agreement shall remain in full force and effect unless notice is given by the Borough of its intent to initiate modification of its provisions as a result of any such amendment.

2. Definitions. The following definitions shall apply in this Agreement:

- A. *Reimbursable Costs* include and are expressly limited to "Reimbursable Removal Costs" and "Reimbursable Lighting Costs" as said terms are defined below, and as calculated, adjusted and limited in accordance with this Agreement.
- B. *Reimbursable Removal Costs* refers to the cost that would be incurred by the municipality in directly providing for the removal of snow, ice and other obstructions from the roads and streets located on the Association's property in similar manner as said service is provided to single family residences through the Borough's various departments including the Department of Public Works, excluding all costs attributable to clearing sidewalks, parking lots and all other areas of the Association's property other than roads and streets. It is specifically provided that said service shall not include the repair, re-paving, replacement or maintenance of any road or street located on Association property.
- C. *Reimbursable Lighting Costs* refers to the cost that would be incurred by the municipality in directly providing for the lighting of roads and streets located on the Association's property in the same fashion as

those services are provided on the public roads and streets to the extent of payment for the electricity required, but not including the installation or maintenance of lamps, standards, wiring or other equipment.

3. Borough Option to Provide Services. Anything to the contrary notwithstanding, the Borough reserves the right to provide to the Association any category of services in lieu of paying Reimbursement Costs to the Association for such service or services. If the Borough elects to provide any service to the Association, or to terminate any such service after it has been provided, the Association shall be given thirty (30) days advance written notice thereof by the Borough. The Borough shall not be obligated to pay Reimbursement Costs to the Association for any expense incurred by the Association for any service while the same service is being provided by the Borough. If the Borough elects to provide any service, the Association shall pay the cost of any insurance riders required by the Borough to enable the Borough's vehicles to operate on the Association's private road and streets in accordance with N.J.S.A. 40:67-23.4.
4. Commencement Date. This Agreement shall be deemed to have commenced and become effective as of January 1, 2024, and this Agreement shall remain in effect for an initial period of five (5) years, terminating on December 31, 2028, unless notice is sent by the Borough as provided in Paragraph 1.
5. Reimbursed Condo Services.

- A. Removal of snow, ice and other obstructions. The Borough shall pay to the Association 100% of the Reimbursable Removal Costs as defined above. It is agreed that said cost is the sum of \$1,290.00 per year.
 - B. Lighting of roads and streets. The Borough shall pay to the Association 100% of the Reimbursable Lighting Costs as defined above. It is agreed that said cost is the sum of \$1,217.16 per year. It being provided, however, that the Borough may elect to have said costs billed directly to it by the providing utility. In such event, the Association shall only be entitled to reimbursement to the date such direct billing commences. The Association shall cooperate fully to the extent necessary to implement such direct billing.
6. Borough Provided Condo Services. As of the commencement date hereof, the Borough shall provide the following Condo Services to the Association:
- A. Collection, removal and disposal of leaves, recyclable materials and solid waste along the roads and streets. The Borough shall be responsible for the collection, removal and disposal of leaves, recyclable materials and solid waste from the Association's roads and streets in similar manner as said service is provided to single family residences through the Borough's various departments including the Department of Public Works.
7. Reimbursement Undertaking. Subject to compliance by the Association with all substantive provisions and procedural requirements of this Agreement, the

Borough hereby agrees to provide annual reimbursement to the Association for the Association's total Reimbursable Costs.

8. Reimbursement Procedure. Requests by the Association for the payment of reimbursement under this Agreement shall be processed pursuant to the following procedure:

A. The Association shall submit a signed voucher to the Borough with each request for payment, using voucher forms to be provided by the Borough.

B. Vouchers shall be submitted on an annual basis for which reimbursement is requested upon incurring expenses up to \$1,290.00 for snow, ice and obstruction removal and \$1,217.16 for site lighting, but no later than February 15 of the following year. Each voucher shall contain a separate line item entry for each category and subcategory of Reimbursable Costs for which reimbursement is requested. With respect to all Reimbursable Costs, each voucher shall be accompanied by copies of invoices, payment receipts and other appropriate documentation which demonstrates to the satisfaction of the Borough that all costs constitute Reimbursable Costs and that the Association incurred all costs during the applicable reimbursement period. Vouchers conforming to the aforementioned procedures will be paid within sixty (60) days. Vouchers shall not be processed for payment by the Borough if they do not conform with these requirements. In that event, the Association will be given notice and the opportunity to

provide additional requested documentation and/or otherwise cure any nonconformity with these submission requirements.

C. The Borough will review the Association's documentation and determine whether the requested reimbursement is consistent with and authorized by this Agreement. The Borough will provide the Association with written notice of any intention to disallow any excess amount or unauthorized portion of the reimbursement request.

D. Following formal approval of a reimbursement request, payment to the Association shall be made in accordance with routine Borough procedures for the payment of vouchers.

9. Notice. Any notice shall be conclusively deemed to have been received by the addressee and to be effective on the date on which personally delivered to the addressee for each such party set forth on Page 1 of this Agreement or, if sent by certified mail, return receipt requested, on the third business day after the day on which mailed to said addressee.

10. Concerning Successors and Assigns. Whenever in this Agreement any of the parties hereto is referred to, such reference shall be deemed to include the successors and assigns of such party; and all covenants, promises and agreements, by or on behalf of any party hereto which are contained in this Agreement, shall bind its successors and assigns and inure to the benefit of its successors and assigns.

11. Modifications in Writing. Modifications or the waiver of any provisions of this Agreement shall in no event be effective unless the same shall be in

writing and signed by the parties hereto, and then such modification or waiver shall be effective only in the specific instance and for the specific purpose for which given.

12. Failure to Exercise Rights. Neither any failure nor any delay on the part of either party in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall a single or partial exercise thereof preclude any other or further exercise of any other right, power or privilege.
13. Assignment. There shall be no assignment of this Agreement by any party hereto.
14. Captions. The section headings contained herein are the reference purposes only and shall not in any way affect the meaning or interpretation of the Agreement.
15. Severability. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.
16. Counterparts. This Agreement may be signed in any number of counterparts with the same effect as if the signatures thereto and hereto were upon the same instrument.
17. Reservation. Except as otherwise expressly set forth in this Agreement, and subject to the provisions of this Agreement being in accordance with the Condo Services Act, the Borough reserves all of its rights and powers under the Condo Services Act and other laws as a municipality of the State of New Jersey.

18. Entire Agreement. This Agreement and its provisions constitutes the entire understanding and agreement of the parties regarding all matters covered by the Condo Services Act, and any prior discussions, representations, understandings and agreements are hereby superseded by this Agreement. The parties agree to be bound hereby and acknowledge that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement on the day and year first above written.

WITNESS/ATTEST:

BOROUGH OF MONTVALE

By: _____
Carol Manhart
Administrative Assistant

By: _____
Joseph Voytus
Borough Administrator

WITNESS/ATTEST:

SUMMIT RIDGE
CONDOMINIUM ASSOCIATION

By: _____

By: _____

[Name] [Title] *Property Director*
Angel Kndornich

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 196-2024**

RE: Authorize Release Of Performance Surety Bond – SHG Montvale MB, LLC - Block 2702, Lot 1; and Block 2801, Lot 2 and Posting Of Two Year Maintenance Bond

WHEREAS, SHG Montvale MB, LLC (Mercedes Property) has requested a release of their Performance Surety Bond; and

WHEREAS, a completed inspection of the site has been conducted by Collier Engineering and takes no exception to the release of the remaining performance guarantee in the amount \$787,682.66; and

WHEREAS, A condition of the release of the cash bond portion in the amount of \$87,520.41 of the Performance Guarantee is the requirement to furnish a two-year Maintenance Guarantee in the amount of \$131,280.46; and

WHEREAS, details of this release are stated in a letter dated October 29, 2024 and in a letter dated November 11, 2024 from Colliers Engineering and has been made a part of this resolution; 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 guarantee for SHG Montvale MB, LLC when the Two Year Maintenance Bond in the amount of \$131,280.46 shall be posted with the Municipal Clerk. A copy of this resolution shall be sent to Antimo A. DelVecchio of Beattie Padavano, LLC Counsellors At Law, 200 Market Street, Suite 401, Montvale, NJ 07645.

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

Adopted: November 14, 2024

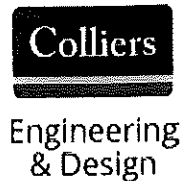
ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

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



November 11, 2024

Joseph W. Voytus
Administrator
Borough of Montvale
12 De Piero Drive
Montvale, NJ 07645

Re: **Maintenance Bond**
North Market - Phase II 400 Market
Block 2702, Lot 1 and Block 2801, Lot 2
De Piero Drive and Grand Avenue
Montvale, Bergen County, New Jersey
Colliers Engineering & Design Project No. MVP0099

Dear Mr. Voytus,

Our office has been requested to provide the amount of the Maintenance Bond required for the above referenced project. Per Section 40:55D-53.41 (2) of the Municipal Land Use Law, a Maintenance Bond in an amount not to exceed 15% of the cost of the improvements shall be provided.

The cost of the improvements for this project was \$875,203.07; therefore, a Maintenance Bond for $\$875,203.07 \times 0.15 = \$131,280.46$ shall be provided and held for a period of two (2) years.

Thank you for your kind attention to this matter. Please do not hesitate to contact this office, should you have any questions.

Sincerely,

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

Sincerely,

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

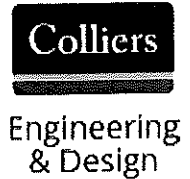
A handwritten signature in black ink, appearing to read "Jim Giurintano".

James Giurintano, P.E., P.P., C.M.E.
Board Engineer

cc: Montvale Planning Board (via Secretary)
Theresa DiPopolo, Administrative Assistant (tdipopolo@montvaleboro.org)
Robert T. Regan, Esq., Board Attorney (rtregan@rtreganlaw.com)
Darlene Green, PP, AICP, Board Planner (darlene.green@colliersengineering.com)
John Driese (jd@shg.us.com)

R:\Projects\IM-P\MVP\MVP0099\Correspondence\OUT\241111_nml_Voytus_400_North Market_Maintenance Bond_MVP0099.docx

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



October 29, 2024

Joseph W. Voytus
Administrator
Borough of Montvale
12 De Piero Drive
Montvale, NJ 07645

Re: Bond Release

North Market - Phase II 400 Market
Block 2702, Lot 1 and Block 2801, Lot 2
De Piero Drive and Grand Avenue
Montvale, Bergen County, New Jersey
Colliers Engineering & Design Project No. MVP0099

Dear Mr. Voytus,

Our office is in the receipt of the attached September 24, 2024 request from Antimo A. Del Vecchio of Beattie Padovano, LLC for the release of the remaining \$787,682.66 Performance Guarantee (bond portion) for the referenced project. We take no exception to the release of this bond at this time.

We recommend the Borough retain the \$87,520.41 cash bond portion for the project. Prior to release of the cash bond portion, a Maintenance Bond will be required to be posted for the project.

Thank you for your kind attention to this matter. Please do not hesitate to contact this office, should you have any questions.

Sincerely,

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

Sincerely,

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

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

James Giurintano, P.E., P.P., C.M.E.
Board Engineer

cc: Montvale Planning Board (via Secretary)
Theresa DiPopolo, Administrative Assistant (tdipopolo@montvaleboro.org)
Robert T. Regan, Esq., Board Attorney (rtregan@rtreganlaw.com)
Darlene Green, PP, AICP, Board Planner (darlene.green@colliersengineering.com)
John Driese (jd@shg.us.com)

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CHARLES J. RABOLLI, JR. (NJ BAR)



BEATTIE
PADOVANO ^{LLC}

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RALPH J. PADOVANO (1935-2016)
JAMES R. BEATTIE (1935-2021)

Writer's Direct Access

Email: adelvecchio@beattielaw.com
Direct Dial: (201) 799-2149
Direct Fax: (201) 642-5307
Reply to New Jersey Office

September 24, 2024

Via Email and Certified Mail, R/R/R

Fran Scordo, Borough Clerk
Borough of Montvale
12 DePiero Drive
Montvale, NJ 07645

**Re: SHG Montvale MB, LLC
Block 2702, Lot 1 and Block 2801, Lot 2 (Mercedes Property)
Montvale, New Jersey**

Dear Ms. Scordo:

This office represents SHG Montvale MB, LLC in connection with a Developers Agreement entered into with the Borough of Montvale for the above referenced properties. Performance Surety Bond No. LICX1175800, as issued by Lexon Insurance Company dated June 7, 2019 (copy enclosed), in the amount of \$787,682.66 with the beneficiary being the Borough of Montvale and \$87,520.41 (copy of check enclosed) representing the cash portion of the Performance Bond were posted for this project.

Please be advised that, at this time, all of the work required by the approvals and the terms of the Developers Agreement have been completed. Accordingly, I would ask that the necessary inspections needed to confirm the completion of the project be made as soon as possible and Maintenance Bond No. LICX1175800 be released. In accordance with the requirements of the Municipal Land Use Law, I am transmitting a copy of this letter to the Borough Engineer, Andrew Hipolit, by certified mail, return receipt requested. I would also request that you please advise me of any and all meetings at which the Mayor and Council, Planning Board or any other body may discuss or otherwise consider this request.

Fifty-Four Years of Service

Fran Scordo
September 24, 2024
Page 2

Should you have any questions or require additional information, please do not hesitate to call me

Very truly yours,

/s/ Antimo A. Del Vecchio

Antimo A. Del Vecchio

ADV:rct- Enc.

c: Joseph Voytus (via email)
Andrew Hipolit (via email and certified mail, return receipt requested)

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 197-2024**

RE: Authorize Release of the Performance Surety Bond for - Montvale Development Associates II, LLC - Block 2802; Lot 2 and Posting of Two-Year Maintenance Bond

WHEREAS, Montvale Development Associates II, LLC 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 in the amount of \$111,103.00 and cash portion of the Performance Bond in the amount of \$12,345.00; and

WHEREAS, A condition of the release of the cash bond portion in the amount of \$12,345.00 of the Performance Guarantee is the requirement to furnish a two-year Maintenance Guarantee in the amount of \$1,254,006.60; and

WHEREAS, details of this release are stated in a letter dated November 11, 2024 from Colliers Engineering and has been made a part of this resolution; 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 Montvale Development Associates II, LLC in the amount of \$12,345.00 and the Performance Surety Bond in the amount of \$111,103.00; when the Two-Year Maintenance Bond in the amount of \$1,254,006.60 shall be posted with the Municipal Clerk. A copy of this resolution shall be sent to Antimo A. DelVecchio of Beattie Padavano, LLC Counsellors At Law, 200 Market Street, Suite 401, Montvale, NJ 07645.

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

Adopted: November 14, 2024

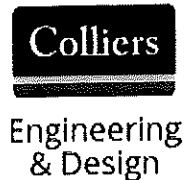
ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

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



November 11, 2024

Joseph W. Voytus
Administrator
Borough of Montvale
12 De Piero Drive
Montvale, NJ 07645

Re: Maintenance Bond

Montvale Development Associates II, LLC
Block 2802, Lot 2
Philips Parkway and Grand Avenue West
Montvale, Bergen County, New Jersey
Colliers Engineering & Design Project No. MVP197A

Dear Mr. Voytus,

Our office has been requested to provide the amount of the Maintenance Bond required for the above referenced project. Per Section 40:55D-53.41 (2) of the Municipal Land Use Law, a Maintenance Bond in an amount not to exceed 15% of the cost of the improvements shall be provided.

Per our office's correspondence of September 16, 2015, the cost of the improvements for this project was \$8,360,043.97; therefore, a Maintenance Bond for $\$8,360,043.97 \times 0.15 = \$1,254,006.60$ shall be provided and held for a period of two (2) years.

Thank you for your kind attention to this matter. Please do not hesitate to contact this office, should you have any questions.

Sincerely,

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

Sincerely,

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

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

James Giurintano, P.E., P.P., C.M.E.
Board Engineer

JG/nl/bt

MARTIN W. KAFAFIAN (NJ, NY, DC BARS)
ADOLPH A. ROMEL (NJ, NY BARS)
JOHN J. LAMB (NJ BAR)
ANTIMO A. DEL VECCHIO (NJ, NY, DC BARS)
ROBERT A. BLASS (NJ, NY BARS)
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Writer's Direct Access

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Direct Dial: (201) 799-2149
Direct Fax: (201) 642-5307
Reply to New Jersey Office

September 24, 2024

Via Email and Certified Mail, R/R/R

Fran Scordo, Borough Clerk
Borough of Montvale
12 DePiero Drive
Montvale, NJ 07645

**Re: Montvale Development Associates II, LLC
Philips Parkway and Grand Avenue West
Block 2802, Lot 2**

Dear Ms. Scordo:

This office represents Montvale Development Associates II, LLC in connection with a Developers Agreement entered into with the Borough of Montvale for the above referenced property. Performance Surety Bond No. LICX1206169 dated October 15, 2021 (copy enclosed), as issued by Lexon Insurance Company in favor of the Borough of Montvale in the amount of \$111,103.00 and \$12,345.00 representing the cash portion of the Performance Bond (copy of check enclosed) were posted for this project.

Please be advised that, at this time, all of the work required by the approvals and the terms of the Developers Agreement have been completed. Accordingly, I would ask that the necessary inspections needed to confirm the completion of the project be made as soon as possible and Maintenance Bond No. LICX1206169 be released. In accordance with the requirements of the Municipal Land Use Law, I am transmitting a copy of this letter to the Borough Engineer, Andrew Hipolit, by certified mail, return receipt requested. I would also request that you please advise me of any and all meetings at which the Mayor and Council, Planning Board or any other body may discuss or otherwise consider this request.

Fifty-Four Years of Service

Fran Scordo, Borough Clerk
September 24, 2024
Page 2

Should you have any questions or require additional information, please do not hesitate to call me

Very truly yours,

/s/ Antimo A. Del Vecchio

Antimo A. Del Vecchio

ADV:rct- Enc.

c: Joseph Voytus, Borough Administrator (via email)
Andrew Hipolit (via email and certified mail, return receipt requested)

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 198-2024**

**RE: Authorize Release of the Outstanding Balance of the Performance Guarantee for -
Montvale Development Associates, LLC - Block 2802; Lot 2 & 3 - Block 1002; Lots 3 & 5**

WHEREAS, Montvale Development Associates, Shoppes At DePiero Farm has requested a release of their cash balance Performance Guarantee; and

WHEREAS, a completed inspection of the site has been conducted by Colliers Engineering and takes no exception to the release of the outstanding balance of the performance guarantee in the amount \$187,816.25 per Resolution No. 203-2020; and

WHEREAS, details of this release are stated in a letter dated November 13, 2024 from Colliers Engineering and has been made a part of this resolution; 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 guarantee for Montvale Development Associates, LLC in the amount of \$187,816.25; a copy of this resolution shall be sent to Antimo A. DelVecchio of Beattie Padavano, LLC Counsellors At Law, 200 Market Street, Suite 401, Montvale, NJ 07645.

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

Adopted: November 14, 2024

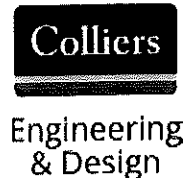
ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

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



November 13, 2024

Joseph W. Voytus
Administrator
Borough of Montvale
12 De Piero Drive
Montvale, NJ 07645

Re: **Performance Guarantee Release**
Montvale Development Associates, LLC
The Shoppes at DePiero Farm
Block 2802 Lot 2
Montvale, Bergen County, New Jersey
Colliers Engineering & Design Project No. MVP197A

Dear Mr. Voytus,

Our office is in the receipt of the September 24, 2024 request from Antimo A. Del Vecchio of Beattie Padovano, LLC for the release of the remaining \$187,816.25 Performance Guarantee (cash portion) for the referenced project. We take no exception to the release of same.

It is our understanding that a Maintenance Guarantee has previously been posted for the project.

Thank you for your kind attention to this matter. Please do not hesitate to contact this office, should you have any questions.

Sincerely,

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

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

James Giurintano, P.E., P.P., C.M.E.
Board Engineer

JG/nl/bt

cc: Montvale Planning Board (via Secretary)
Theresa DiPopolo, Administrative Assistant (tdipopolo@montvaleboro.org)
Robert T. Regan, Esq., Board Attorney (rtregan@rtreganlaw.com)
Darlene Green, PP, AICP, Board Planner (darlene.green@colliersengineering.com)
John Driese (jd@shg.us.com)
Antimo DelVecchio (adelvecchio@beattielaw.com)

R:\Projects\M-P\MVP\MVP197A\Correspondence\OUT\241113_nml_Voytus_Phillips Parkway_Bond Release_MVP197A.docx

MARTIN W. KAFAFIAN (NJ, NY, DC BARS)
ADOLPH A. ROMEI (NJ, NY BARS)
JOHN J. LAMB (NJ BAR)
ANTIMO A. DEL VECCHIO (NJ, NY, DC BARS)
ROBERT A. BLASS (NJ, NY BARS)
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Writer's Direct Access

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Reply to New Jersey Office

September 24, 2024

Via Email and Certified Mail, R/R/R

Fran Scordo, Borough Clerk
Borough of Montvale
12 DePiero Drive
Montvale, NJ 07645

**Re: Montvale Development Associates, LLC
The Shoppes at DePiero Farm
Block 2802, Lot 2, Qualifiers C001A and C001B
Formerly designated Block 2802, Lots 2 and 3 and Block 1002, Lots 3 and 5
Montvale, New Jersey**

Dear Ms. Scordo:

This office represents Montvale Development Associates, LLC in connection with a Developers Agreement entered into with the Borough of Montvale for the above referenced properties. Performance Surety Bond No. SUR54000016, as issued by Ironshore Indemnity Inc. dated September 22, 2018, in the amount of \$4,357,800.00 with the beneficiary being the Borough of Montvale and \$484,200.00 representing the cash portion of the Performance Bond were posted for this project. Pursuant to a prior request, the Borough approved a reduction of these guarantees resulting in the return of the full bond and left in place a \$200,000.00 cash bond intended to insure the vitality of the landscaping.

Pursuant to an Amended Review Letter issued by Maser Consulting on December 7, 2020 (copy enclosed), the Mayor and Council of the Borough of Montvale approved Resolution No. 203-2020 (copy enclosed) on December 8, 2020, thereby releasing the remaining Performance Guarantee of \$200,000.00, less the outstanding escrow requests in the amount of \$12,183.75, resulting in the sum of \$187,816.25. As of the date of this letter, this office has not received the remaining cash portion of the Performance Guarantee in the amount of \$187,816.25.

Fifty-Four Years of Service

Fran Scordo, Borough Clerk
September 24, 2024
Page 2

On September 24, 2019, Montvale Development Associates, LLC posted the required two-year Maintenance Bond (Bond No. LICX1175805) (copy enclosed), as issued by Lexon Insurance Company, in the amount of \$696,000.00, in satisfaction of the condition of refund of the cash portion of the Performance Guarantee as per Resolution No. 203-2020. The two-year period for the coverage provided by this bond has also elapsed. At this time, we would request the prompt return of the cash bond of \$187,816.25.

Please advise me of any and all meetings at which the Mayor and Council, Planning Board or any other body may discuss or otherwise consider this request. Should you have any questions or require additional information, please do not hesitate to call me

Very truly yours,

/s/ Antimo A. Del Vecchio

Antimo A. Del Vecchio

ADV:rcf- Enc.

c: Joseph Voytus, Borough Administrator (via email)

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 203-2020**

Full

RE: Authorize Release Of Performance Guarantee/Montvale Development Associates, LLC/ Block 2802/Lot 2 & 3 Block 1002/Lots 3 & 5/Posting Of Two Year Maintenance Bond

WHEREAS, Montvale Development Associates, Shoppes At DePiero Farm has requested a release of their cash Performance Guarantee; and

WHEREAS, a completed inspection of the site has been conducted by Maser Consulting P.A., based on the escrow owed Maser Consulting takes no exception to the release of the reimbursement of the outstanding escrow from the remaining performance guarantee in the amount \$12,183.75 dating back to March 2020; and

WHEREAS, Maser Consulting P.A. recommends the Borough release the remaining Performance Guarantee of \$200,000.00 less the outstanding escrow in the amount of \$12,183.75 or \$187,816.25; and

WHEREAS, A condition of the release of the remainder of the Performance Guarantee is the requirement to furnish a two-year Maintenance Guarantee in the amount of \$696,000.00; and

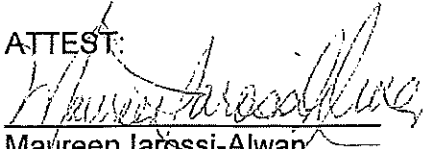
WHEREAS, details of this release are stated in a letter dated December 3, 2020 from Borough Engineer, Andrew Hipolit and has been made a part of this resolution; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that Accounts Payable/Accounts Receivable Department is hereby authorized to release the cash performance guarantee for Montvale Development Associates, LLC when the Two Year Maintenance Bond in the amount of \$696,000.00 shall be posted with the Municipal Clerk of the Borough of Montvale and a copy of this resolution shall be sent to Antimo A. DelVecchio of Beattie Padavano, LLC Counsellors At Law, 50 Chestnut Ridge Road, Suite 208, Montvale, NJ 07645.

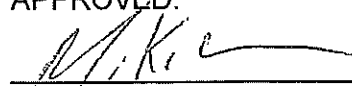
Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs			✓		✓		
Curry			✓		✓		
Koelling	✓	✓	✓				
Lane	✓		✓				
Roche			✓				
Russo-Vogelsang			✓				

Adopted: December 8, 2020

ATTEST:


Maureen Larossi-Alwan
Municipal Clerk

APPROVED:


Michael Ghassali
Mayor

RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Montvale,
that the following bills have been referred to the Borough Council
and found correct and are hereby authorized to be paid:

<u>FUND</u>	<u>AMOUNT</u>	<u>NOTES</u>
Current	\$4,912,219.60	Bill List Wire 11/14/2024
	<u>352,677.22</u>	Wires/Manual Checks
Current TOTAL	5,264,896.82	
Capital	7,397.16	Bill List Wire 11/14/2024
Escrow	5,818.75	Bill List Wire 11/14/2024
Unemployment Trust	8,686.24	Bill List Wire 11/14/2024
Housing Trust	3,997.50	Bill List Wire 11/14/2024
General Trust	83,129.39	Bill List Wire 11/14/2024
Dog Trust	223.05	Bill List Wire 11/14/2024
Recreation Trust	232.75	Bill List Wire 10/29/2024

*This resolution was adopted by the Mayor and Council of Montvale
at a meeting held on 11/14/24*

Introduced by: _____

Approved: 11/14/24

Seconded by: _____

Michael Ghassali, Mayor

ATTEST:

Frances Scordo, Municipal Clerk

MANUAL/VOID CHECKS - WIRES
November 14, 2024

<u>Check #</u>	<u>PO #</u>	<u>Date</u>	<u>Vendor/Transaction</u>	<u>Amount</u>
WIRE		10/28/24	Payroll Account-Current	\$232,876.77
WIRE		10/28/24	Salary Deduction Account	\$119,725.45
WIRE		10/28/24	FSA Account	\$75.00
Total				<u><u>\$352,677.22</u></u>

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

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00043	NORTH JERSEY MEDIA GROUP	24-01451	10/15/24	NORTH JERSEY MEDIA SEPTEMBER	Open	229.64	0.00		
00046	COUNTY OF BERGEN, TREASURER	24-00138	01/22/24	2024 COUNTY TAXES	Open	1,538,061.34	0.00		B
00047	D & E UNIFORM	24-00699	05/21/24	OEM SAFETY VESTS	Open	353.70	0.00		
00097	CABLEVISION	24-01519	10/28/24	07873-199375-01-1 OPTIMUM	Open	201.55	0.00		
		24-01552	11/04/24	07873-240495-01-5 OPTIMUM	Open	235.64	0.00		
		24-01553	11/04/24	07873-218840-01-0 OPTIMUM	Open	25.48	0.00		
						462.67			
00102	MGL PRINTING SOLUTIONS	24-01281	09/05/24	FIRE PREVENTION STICKERS	Open	158.00	0.00		
00104	MONTVALE BOARD OF EDUCATION	24-00022	01/03/24	2024 LOCAL SCHOOL TAXES	Open	1,560,972.00	0.00		B
00108	MONTVALE HARDWARE & SUPPLY	24-01345	09/20/24	PD SUPPLIES	Open	240.56	0.00		
00116	VERIZON	24-01543	10/31/24	651-285-414-0001-73 OPTIMUM	Open	407.83	0.00		
00125	NORTHWEST BERGEN REGIONAL	24-00050	01/08/24	2024 HEALTH SERVICES	Open	5,342.00	0.00		B
00135	PASCACK VALLEY MAYORS' ASSOC	24-01351	09/23/24	PASSACK VALLY MAYORS' ASSOC.	Open	723.06	0.00		
00137	PASCACK VALLEY REGIONAL HS DST	24-00021	01/03/24	2024 REGIONAL SCHOOL TAXES	Open	1,320,784.67	0.00		B
00139	SCORDO, FRANCES	24-01584	11/08/24	PETTY CASH FOR OCTOBER	Open	280.55	0.00		
00146	PSE&G CO.	24-01586	11/12/24	PSE&G OCYOBER 2024	Open	267.58	0.00		
00151	LAMENDOLA, BRIAN	24-01509	10/28/24	REIMB GLOW STICKS	Open	198.24	0.00		
00153	COHEN SIGNS	24-01432	10/09/24	Refund Escrow & Plan. Brd Fee	Open	600.00	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00215	TOWNSHIP OF RIVER VALE								
	24-00023	01/04/24	2024	PASCACK VALLEY DPW	Open	162,020.07	0.00		B
	24-01358	09/24/24	2024	HILLS/VALLEY COALITION	Open	<u>2,500.00</u>	0.00		
						164,520.07			
00258	ROCKLAND ELECTRIC COMPANY								
	24-01585	11/12/24	2024	ROCKLAND ELECTRIC OCTOBER 2024	Open	16,251.54	0.00		
00297	FRA TECHNOLOGIES								
	24-01388	10/01/24	2024	MILS	Open	675.00	0.00		
00320	NEW JERSEY ELEVATOR INSPECTION								
	24-00742	05/28/24	2024	ELEVATOR INSPECTION SVCS	Open	19,298.00	0.00		B
00329	NJ STATE DEPT. OF HEALTH								
	24-01554	11/04/24	2024	STATE DOG LICENSE FEE	Open	1.20	0.00		
00375	BOROUGH OF PARK RIDGE								
	24-01353	09/23/24	2024	TRI BORO FUEL AUGUST 2024	Open	4,617.31	0.00		
	24-01420	10/08/24	2024	TRI BORO FUEL SEPTEMBER 2024	Open	<u>4,270.02</u>	0.00		
						8,887.33			
00554	BERGEN MUNI.EMPL.BENEFITS FUND								
	24-00024	01/04/24	2024	HEALTH BENEFITS	Open	72,241.00	0.00		B
00563	SUBURBAN CAPS INC.								
	24-01122	08/07/24	2024	Cap for Deputy Fire Chief F150	Open	4,925.00	0.00		
00656	STATE OF NJ DEPT OF LABOR W/F								
	24-01570	11/05/24	2024	UNEMPLOYMENT BENEFITS Q3 2023	Open	8,686.24	0.00		
00661	HANNA, JEFFREY								
	24-01508	10/28/24	2024	REIMB CLOTHING ALLOWANCE	Open	115.50	0.00		
00699	ATLANTIC TOMORROWS OFFICE								
	24-01448	10/15/24	2024	PD COPIER USAGE	Open	12.63	0.00		
00731	COLLIER'S ENGINEERING & DESIGN								
	23-00737	05/24/23	2023	ROADWAY IMPROVEMENT PROG.	Open	370.00	0.00		B
	24-00331	03/05/24	2024	4TH ROUND VACANT LAND ANALYSIS	Open	47.50	0.00		B
	24-01493	10/23/24	2024	MUNICIPAL ENGINEERING REVIEW	Open	2,010.00	0.00		
	24-01495	10/23/24	2024	MUNICIPAL ENGINEERING REVIEW	Open	1,130.25	0.00		
	24-01496	10/23/24	2024	MUNICIPAL ENGINEERING REVIEW	Open	<u>866.25</u>	0.00		
						4,424.00			
00761	KLECHA, ROBERT								
	24-01527	10/29/24	2024	REIMB CLOTHING ALLOWANCE	Open	38.81	0.00		
00769	URBAN AUTO SPA								
	24-01568	11/05/24	2024	CAR WASH & OIL CHANGE SERVICES	Open	128.00	0.00		
00793	CAMPBELL FIRE PROTECTION INC.								
	24-01423	10/09/24	2024	ANNUAL FIRE EXTINGUISHER	Open	1,058.80	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00801	WESTPHAL WASTE SERVICES, INC.								
		24-00261	02/14/24	2024 GARBAGE COLLECTION	Open	81,515.91	0.00		B
00891	RIDGEMONT PIZZA & RESTAURANT								
		24-01515	10/28/24	SEC DINNER FOR HALLOWEEN CARN.	Open	89.10	0.00		
		24-01533	10/29/24	PIZZA FOR COAH MEETING	Open	<u>195.46</u>	0.00		
						284.56			
00896	GIAMMARINO, MICHAEL								
		24-00134	01/22/24	2024 INTERPRETING SERVICES	Open	680.00	0.00		B
00999	AMAZON.COM SERVICES, INC.								
		24-01494	10/23/24	OFFICE SUPPLIES	Open	62.07	0.00		
01020	WORLD INSURANCE ASSOCIATES, LLC								
		24-00236	02/08/24	2024 P.I.A. CONSULTANT BENEFIT	Open	3,669.00	0.00		B
01102	POWER DMS, INC.								
		24-01346	09/20/24	PD YEARLY SUBSCRIPTION	Open	2,500.00	0.00		
01123	ENCLAVE AT MONTVALE								
		24-01559	11/04/24	2019 SNOW REMOVAL & LIGHTING	Open	2,636.00	0.00		
01186	BAKER, CHRISTINE								
		24-01548	11/01/24	2024 MONTVALE WELLNESS PROGRAM	Open	311.37	0.00		
01190	CARBONITE, INC.								
		24-01537	10/29/24	SERVER BACKUP - POLICE (2YR)	Open	1,796.80	0.00		
01227	PIAZZA & ASSOCIATES, INC.								
		24-00108	01/18/24	2024 AFFORDABLE HOUSING SVCS	Open	400.00	0.00		B
01278	MCNERNEY & ASSOCIATES, INC.								
		24-01189	08/16/24	APPRAISAL FEE (1102/1)	Open	7,500.00	0.00		
01330	GHASSALI, MICHAEL								
		24-00069	01/11/24	MAILCHIMP	Open	75.00	0.00		B
01367	VLADICK, MATTHEW								
		24-01512	10/28/24	REIMB CLOTHING ALLOWANCE	Open	158.38	0.00		
01368	ROBALINO, ERIC								
		24-01510	10/28/24	REIMB DB STANDING DESK TOP	Open	140.00	0.00		
01454	TMDE CALIBRATION LABS INC.								
		24-01456	10/17/24	PD CALIBRATIONS	Open	170.00	0.00		
01467	POSITIVE PROMOTIONS, INC.								
		24-01459	10/17/24	HALLOWEEN TRICK OR TREAT BAGS	Open	181.95	0.00		
01624	CMRS-FP								
		24-00026	01/04/24	REFILL POSTAGE METER	Open	1,600.00	0.00		B

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Vendor #	Name		Status	Amount	Void Amount	Contract	PO Type
PO #	PO Date	Description					
01624	CMRS-FP		Continued				
24-01507	10/25/24	TAX ASSESSOR MAILING	Open	<u>1,195.36</u>	0.00		
				2,795.36			
01643	LORANGER, LISA						
24-01516	10/28/24	CARNIVAL TABLE CLOTHS	Open	21.33	0.00		
24-01517	10/28/24	CVS SUPPLIES	Open	14.91	0.00		
24-01520	10/28/24	MAILCHIMP REIMBURSEMENT	Open	<u>110.00</u>	0.00		
				146.24			
01680	WEGMANS BUSINESS						
24-01018	07/24/24	7/15 DRINKS AND TUB	Open	232.75	0.00		
24-01530	10/29/24	OFFICE SUPPLIES	Open	<u>27.92</u>	0.00		
				260.67			
01706	SCLAFANI, SALAVADOR S. ESQ.						
24-01379	09/30/24	State v Grasso - S-2023-000284	Open	200.00	0.00		
01738	ARENDACS, DOUGLAS						
24-01483	10/22/24	Apple cider, cups & napkins	Open	119.41	0.00		
01767	VERIZON						
24-01542	10/31/24	156-951-896-0001-85 OPTIMUM	Open	84.00	0.00		
24-01544	10/31/24	555-569-014-0001-55 OPTIMUM	Open	<u>175.64</u>	0.00		
				259.64			
01828	CGP&H, LLC						
24-00276	02/16/24	PROFESSIONAL HOUSING REHAB SVC	Open	1,300.00	0.00		B
01829	LL BEAN INC						
24-01300	09/11/24	JACKETS FOR RABIES CLINIC	Open	221.85	0.00		
01890	GREATAMERICA FINANCIAL SRVCS.						
24-00098	01/17/24	POSTAGE MACHINE LEASE	Open	289.00	0.00		B
01892	AC DAUGHTRY INC.						
24-01489	10/23/24	TRAIN STATION OFF LINE	Open	175.00	0.00		
01946	HEARTSMART.COM						
23-01698	12/13/23	PD DEFIB & SUPPLIES	Open	1,899.88	0.00		
01949	AT&T MOBILITY						
24-01435	10/10/24	PD PATROL PHONES	Open	1,201.84	0.00		
01972	LIBERTY ELEVATOR CORPORATION						
24-01434	10/10/24	MAINTENANCE	Open	2,496.00	0.00		
02011	HUNTINGTON BAILEY, L.L.P.						
24-00275	02/16/24	2024 LEGAL FEES	Open	1,859.00	0.00		B
24-01428	10/09/24	PROFESSIONAL SERVICES RENDERED	Open	<u>2,102.16</u>	0.00		
				3,961.16			

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02034	BEVERLY HILLS HAND CAR WASH	24-01396	10/01/24	PD CAR WASHES	Open	600.00	0.00		
02144	ALL COUNTY MECHANICAL	24-01439	10/10/24	HVAC REPAIR - 1 MEMORIAL DRIVE	Open	11,500.00	0.00		
02228	KING MOENCH & COLLINS, LLP	24-01307	09/12/24	AFFORDABLE HOUSING LITIGATION	Open	25,706.25	0.00		B
02235	TOUMA AND ASSOCIATES	24-01572	11/06/24	LIEN REDEMPTION	Open	57,234.64	0.00		
02561	MANZELLI, TYBE	24-01463	10/17/24	MILEAGE REIMBURSEMENT	Open	356.98	0.00		
02757	TYCO ANIMAL CONTROL SERVICES	24-00207	02/02/24	2024 ANIMAL CONTROL SERVICES	Open	980.00	0.00		B
02990	VILLAGE SPRINGS AT MONTVALE	24-01433	10/10/24	VILLAGE SPRINGS HOA ASSISTANCE	Open	2,250.00	0.00		
03060	TRI-STATE TECHNICAL SERVICES	24-00060	01/10/24	2024 MICROSOFT WEB EXCHANGE	Open	448.00	0.00		B
		24-00061	01/10/24	2024 COMPUTER MAINTENANCE	Open	814.17	0.00		B
		24-01471	10/18/24	PD COMP MAINT DB	Open	255.00	0.00		
						1,517.17			
03071	PUSH TO WALK	24-01315	09/13/24	REFUND OF ESCROW	Open	452.50	0.00		
03077	DHAWAN, ACHLA	24-01377	09/27/24	REFUND OF ENGINEERING FEES	Open	188.50	0.00		
03079	MCLAREN TECHNICAL SVCS.	24-01443	10/11/24	RELEASE OF ESCROW	Open	859.75	0.00		
03084	WESLEY SICOMAC DAIRY	24-00234	02/07/24	2024 MILK DELIVERY	Open	32.82	0.00		B
03148	COUNTY OPEN SPACE TRUST FUND	24-00139	01/22/24	2024 COUNTY OPEN SPACE TAXES	Open	71,173.10	0.00		B
03410	CAPALBO'S	24-01234	08/23/24	Sympathy Basket- Halzack	Open	67.99	0.00		
03727	STAPLES INC	24-01416	10/04/24	Office Supplies	Open	468.20	0.00		
		24-01418	10/08/24	Office Supplies	Open	564.49	0.00		
						1,032.69			
Total Purchase Orders: 93				Total P.O. Line Items: 0	Total List Amount: 5,021,704.44		Total Void Amount: 0.00		

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PO Type

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND 2023	3-01	1,899.88	0.00	1,899.88	0.00	0.00	1,899.88
CURRENT FUND 2024	4-01	4,910,319.72	0.00	4,910,319.72	0.00	0.00	4,910,319.72
CAPITAL FUND	C-04	7,397.16	0.00	7,397.16	0.00	0.00	7,397.16
BOA ESCROW ACCOUN	E-08	5,818.75	0.00	5,818.75	0.00	0.00	5,818.75
OTHER TRUST ACCOU	T-03	87,126.89	0.00	87,126.89	0.00	0.00	87,126.89
DOG TRUST ACCOUNT	T-12	223.05	0.00	223.05	0.00	0.00	223.05
UNEMPLOYMENT TRUS	T-13	8,686.24	0.00	8,686.24	0.00	0.00	8,686.24
RECREATION TRUST	T-19	232.75	0.00	232.75	0.00	0.00	232.75
Year Total:		96,268.93	0.00	96,268.93	0.00	0.00	96,268.93
Total of All Funds:		5,021,704.44	0.00	5,021,704.44	0.00	0.00	5,021,704.44