



BOROUGH OF MONTVALE

Executive Order # 2020-01

April 5th, 2020

Executive Order Declaring a One-Week Moratorium on Non-Emergency Utility Work in the Borough of Montvale for the Health, Safety and Welfare of the Public Pursuant to N.J.S.A. 40A:60-5(b) and (h) and General Law

Whereas, the President of the United States has declared both a National Emergency and a Public Health Emergency throughout the country as a result of the COVID-19 pandemic; and

Whereas, Governor Murphy has similarly declared New Jersey to be in the midst of a Public Health Emergency and a State of Emergency; and

Whereas, as a result thereof, Governor Murphy has issued a number of Executive Orders concerning COVID-19 including Executive Orders #102 through #109, which have, among other things, implemented certain restrictions on businesses and imposed social distancing requirements on individuals; and

Whereas, as a result of these Executive Orders and guidance from the Centers for Disease Control (CDC), the Borough of Montvale Police Department, Fire Department and other First Responders are working beyond their capacity to keep the community safe; and

Whereas, further as a result of these foregoing restrictions and recommendations, many Montvale residents are being compelled to work from home, and all Montvale students are presently being educated at home utilizing computers, tablets and other electronic devices; and

Whereas, as a result of the foregoing, utility interruptions and dangerous, ongoing construction work pose an extreme hardship to Montvale residents - specifically students and individuals working from home - while the restrictions set forth in Executive Order #106 remain in effect; and

Whereas, twice during the week of March 30 to April 3, 2020, a subcontractor working for a utility company caused and/or uncovered gas leaks, necessitating the Borough dispatching two police officers and having the Fire Department on standby to respond to these emergency situations; and

Whereas, as a result of thus utility subcontractor's actions, the Borough was compelled to immediately commence preparation for the possibility of having to evacuate the neighborhood, a

situation that would eviscerate the social distancing precautions being taken by Montvale residents, officials and employees including Emergency Responders, and which would expose Borough residents, officials and employees, including First Responders, to an unacceptable risk of exposure to COVID-19; and

Whereas, as the repeated actions by utility companies and their subcontractors have proven, permitting further non-emergency utility work to proceed in the Borough without improved safety and operational guidelines would expose Borough employees and officials and the public at large to an unacceptable risk of exposure to COVID-19 and to other hazards that are detrimental to the health, safety and welfare of the public; and

Whereas, as the Mayor of the Borough of Montvale, I have the authority and responsibility to maintain peace and good order within the municipality pursuant to N.J.S.A. 40A:60-5(b) and (h) and general law; and

Whereas, based upon the occurrence of two (2) separate incidents involving a utility subcontractor in the past week, and upon consultation with the Chief of Police, I feel that I have both the responsibility and the right to issue this Executive Order to place a one-week moratorium on all non-emergency utility work within the boundaries of the Borough of Montvale, while improved safety and operational guidelines are put in place to protect the health, safety and welfare of the public; and

Whereas, I have determined that the continued performance of non-emergency utility work in the Borough, prior to the creation and issuance of improved operational and safety guidelines, poses an unreasonable and unacceptable risk to the health, safety and welfare of the public, and such non-emergency work further threatens the social distancing and other guidelines that have been recommended by the President and the CDC and ordered by the Governor to prevent the further spread of COVID-19; and

Whereas, I have further determined that I have the authority to issue this Executive Order to protect the health, safety and welfare of the public in light of the threat to public safety posed by the continued performance of non-emergency utility work, based upon the specific factual circumstances set forth herein, notwithstanding the general restrictions set forth in Executive Orders #107 and #108 issued by the Governor; and

Now, Therefore, I, Michael Ghassali, as Mayor of the Borough of Montvale, do hereby Order and Direct as follows:

1. The above recitals are incorporated herein as if set forth more fully herein at length.
2. Effective Wednesday, April 8, 2020, there shall be a one-week moratorium on all non-emergency utility work in the Borough of Montvale, because recent utility operations have demonstrated that, absent improved safety and operational guidelines, the continued performance of non-emergency utility work poses an unreasonable and unnecessary threat to the health, safety and welfare of the public and the Borough's officials and employees including the Police Department, Fire Department and other First Responders.

3. This Order shall take effect on Wednesday, April 8, 2020 and shall remain in effect until Wednesday, April 15, 2020.
4. I am further directing the Chief of Police to consult with the utility companies, the Fire Department, other First Responders, and all other officials and employees affected by the recent utility issues, to develop and promulgate improved safety and operational guidelines that will help ensure the protection of the health, safety and welfare of the public during the performance of utility work within the Borough. Such guidelines shall include, but not be limited to, the mandatory presence of PSE&G crews on-site during work performed by their subcontractors, to ensure that appropriate personnel are present to address gas leaks and other similar hazards. Said guidelines shall be distributed by the Borough to all affected utilities and appropriate Borough employees and officials no later than Friday, April 10, 2020.
5. A copy of this Executive Order shall be immediately transmitted to the Council of the Borough of Montvale, all Department Heads including the Chief of Police and the Fire Chief, as well as to all utility companies having a presence within the Borough of Montvale.

Mayor Mike Ghassali

A handwritten signature in black ink, appearing to read "Mike Ghassali", is positioned below the typed name.