

**PUBLIC MEETING  
MINUTES**

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:38 PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Master Sergeant Koelling led the Pledge of Allegiance to the Flag, and roll call was taken.

**OPEN PUBLIC MEETING STATEMENT**

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

Also Present: Borough Attorney, Phil Boggia; Borough Engineer, Andrew Hipolit; Administrator/Municipal Clerk, Maureen Iarossi-Alwan; and Deputy Municipal Clerk, Fran Scordo

**ROLL CALL:**

|                        |                        |
|------------------------|------------------------|
| Councilmember Curry    | Councilmember Lane     |
| Councilmember Koelling | Councilmember Talarico |
| Councilmember LaMonica | Councilmember Weaver   |

**ORDINANCES:**

**PUBLIC HEARING ORDINANCE NO. 2016- 1408** AN ORDINANCE AMENDING CHAPTER 128, ENTITLED "ZONING," ARTICLE V, "DISTRICT REGULATIONS," OF THE BOROUGH OF MONTVALE CODE IN ORDER TO PROHIBIT CERTAIN NON-COMMERCIAL USES AND TO PERMIT NURSING HOMES IN THE OFFICE-RESEARCH ZONE DISTRICTS

**WHEREAS**, in recent years, the Borough has experienced the loss of numerous commercial tenants; and

**WHEREAS**, in an effort to ameliorate the detrimental impacts of the loss of these corporate residents, the Borough is in the process of establishing an Economic Development and Retention Commission in order to promote the Borough of Montvale as an attractive location for existing and prospective office and other commercial tenants; and

**WHEREAS**, in order to ensure that the Borough's existing Office-Research (OR) districts retain their primarily commercial character, it is necessary to amend the regulations pertaining to the OR districts in order to permit nursing homes and to prohibit certain incompatible educational uses therein; and

**WHEREAS**, the Borough believes that schools are best located in or near residential districts and the children they serve so that children can more easily walk and bicycle to school, which is both safer and more environmentally-friendly.

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

**Section 1.** Chapter 128, Article V, Section 128-5.4, "Office and Research OR-1, OR-2, OR-3 or OR-4 Districts" of the Code of the Borough of Montvale is hereby amended by deleting the bracketed text of subsection D thereof and adding the underlined text as follows:

**§128-5.4 Office and Research OR-1, OR-2, OR-3 or OR-4 Districts**

In the Office and Research Districts, no building or land shall be used and no building or other structure shall be built, altered or erected to be used for any purpose other than those specified in Subsections A through F of this section.

A. Office buildings, including buildings housing professional offices.

- B. Scientific or research laboratories, testing, experimental or computation centers, provided that there shall be no use thereof that is noxious, offensive or hazardous by reason of emission of odor, dust, smoke, noise or electric, magnetic or radioactive waves.
- C. Medical center buildings, hospitals, medical and dental offices, nursing homes, clinics and offices for the practice of veterinary medicine. [Nursing homes are specifically prohibited.]
- D. Reserved. [Public and private schools (subject to the provisions of § 128-9.5.1 et seq.).]
- E. Municipal buildings, libraries, playgrounds, parks, recreation and essential municipal uses...

**Section 2.** All other provisions of Section 128-5.4 shall remain unchanged.

**Section 3. Planning Board review.**

Upon approval of this Ordinance upon First Reading by the Mayor and Council of the Borough of Montvale, this Ordinance shall be transmitted to the Planning Board for its review and recommendation pursuant to *N.J.S.A. 40:55D-26*.

**Section 4. Severability.**

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

**Section 5. Effective date.**

This Ordinance shall take effect immediately upon final publication as required by law.

**Section 6. Repeal of inconsistent ordinances.**

All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Ordinance No. **2016-1408** was introduced for second reading by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only

Borough Attorney gave a brief explanation of the ordinance. In accordance with the Planning Board and borough planner’s recommendations, the Borough of Montvale recognizes that it has a strong corporate presence and it’s the desire of the borough to maintain it. Due to the loss of some corporate residents, it has become necessary to amend the existing ordinance for the corporate office and research zones.

Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember LaMonica  
- all ayes

Barry Shereck, 25 Hickory Hill

Wanted to know what the borough is trying to ban in the zone?? Wanted to know why schools are on this list and ask if the borough is trying to ban religious institutions. Mayor stated no.

John and Beth Aquaviva, 6 Maple Ave

Wanted to thank the Mayor and Council for trying to keep Montvale’s corporate foot print and support the ordinance.

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember LaMonica  
- all ayes

Motion to adopt on Second and Final Reading in the Bergen Record by Councilmember Lane; seconded by Councilmember Talarico; Clerk read by title only ----- A roll call vote was taken --- all ayes

Proposed Draft Tree Ordinance/Review/Comments/Recommendations

Darlene Green, Planner

Councilmember LaMonica gave a brief explanation as to why it is necessary to have a tree ordinance. The objective of the ordinance is to preserve the character of the borough by establishing appropriate tree preservation standards to control and regulate indiscriminate and excessive removal, cutting and destruction of trees. To provide the means necessary to control and enforcement of these standards.

Councilmember Lane suggested maybe a certified arborist and a contractor should be on the Environmental commission to be able to contribute in reviewing the plans. Also, he suggested the penalty should be increased.

Report/Pascack Valley DPW/R. Campanelli, Superintendent

Postponed to next meeting

54A-2016 Resolution: Temporary Capital Budget

CFO provided, original included with minutes

Introduced by: Councilmember Lane; seconded by Councilmember Talarico - All ayes

**INTRODUCTION ORDINANCE NO. 2016-1409** BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A FIREHOUSE IN AND BY THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$5,100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,855,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

(Public Hearing 3/29/16) – Repeated due to newspaper publication/Bond Council requirement)

A motion to Introduce Ordinance **2016-1409** for first reading was made by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Bergen Record; seconded by Councilmember LaMonica - A roll call was taken – all ayes

**MEETING OPEN TO PUBLIC:**

Agenda Items Only

Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Talarico - All ayes

**NO PUBLIC COMMENT**

Motion to close meeting to the public by Councilmember Talarico; seconded by Councilmember Curry - All ayes

**MEETING CLOSED TO PUBLIC:**

Agenda Items Only

**MINUTES:**

February 23, 2016

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

**MINUTES CLOSED/EXECUTIVE SESSION:**

February 23, 2016

A motion to accept minutes by Councilmember Curry; seconded by Councilmember LaMonica – all ayes

**RESOLUTIONS:**

**55-2016 Authorize Release of Escrow/ Block 1903/Lot 7/Great A&P Tea Company**

**WHEREAS**, The Great Atlantic & Pacific Tea Company, 48 Bi-State Plaza, PMB 282, Old Tappan, NJ 07675 has requested release in escrow for Block 1903 Lot 7; and

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

**NOW THERFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale the amount of \$55.00 is hereby released to Great A&P Tea Company; and

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

Introduced by: Councilmember Lane; seconded by Councilmember Talarico - All ayes

**56-2016 Appointment Regular Member / Montvale Fire Department / Curt A. Alemany**

**WHEREAS**, the Montvale Fire Department is desirous of adding a regular member; and

**WHEREAS**, Curt A. Alemany of Montvale, NJ has been approved by the Board of Fire Commissioners and has undergone a satisfactory physical, pursuant to the attached application which has been made part of this resolution; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the appointment of Curt Alemany, as a Regular Member of the Montvale Fire Department, is hereby approved

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - All ayes

**57-2016 Amending Resolution No. 34-2015 Setting Forth Recreational Programs Fee Year 2016**

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

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

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

**TIME SCHEDULE FOR SKATING RINK:**

|            |       |            |                      |
|------------|-------|------------|----------------------|
| 8:00 a.m.  | Until | 10:00 a.m. | Roller/street Hockey |
| 10:00 a.m. | Until | 12:00 p.m. | Free Skate           |
| 12:00 p.m. | Until | 2:00 p.m.  | Roller/street Hockey |
| 2:00 p.m.  | Until | 4:00 p.m.  | Free Skate           |
| 4:00 p.m.  | Until | 6:00 p.m.  | Roller/street Hockey |
| 6:00 p.m.  | Until | Dusk       | Free Skate           |

**PROGRAMS:**

|                               | <b>RESIDENT</b> | <b>NON-RESIDENT</b> |
|-------------------------------|-----------------|---------------------|
| Adult Fitness related classes | \$80            | \$100               |
| • Yoga – mini                 | \$40            | \$50                |
| Basketball - 18+              | \$50            | <u>\$75</u>         |
| Basketball - 30+              | \$75            | \$95                |

**BOROUGH OF MONTVALE**

**MARCH 8, 2016**

|                                       |                     |   |                               |
|---------------------------------------|---------------------|---|-------------------------------|
| Chess-Youth                           |                     | \$60  | ----                          |
| Crafts                                |                     | \$60  | \$80                          |
| Running/Walking Training Fall Session |                     | \$60  | \$80                          |
| Sewing                                |                     | \$80  | \$100                         |
| <b>Summer Camp</b>                    | 2014                | \$200/CHILD<br>\$650/FAMILY MAXIMUM   |                               |
|                                       |                     | <b>Non-resident</b><br>\$250/CHILD<br>\$800 FAMILY MAXIMUM                                |                               |
| <b>Tae Kwon-Do</b>                    |                     |   |                               |
| Tae Kwon-Do - Youth                   |                     | \$120   | *\$180<br>(*space permitting) |
| Tae Kwon-Do – Adult                   |                     | \$80  | \$100                         |
| <b>Tennis Lessons</b>                 |                     |   |                               |
| Tennis Lessons adult/child            |                     | \$80 resident/adult/child<br>per session (6 weeks)<br>\$120 per session for non-residents |                               |
| <b>Tennis</b>                         | <b>Resident</b>     | \$30 Adult<br>\$10 Student 13-18 yrs.<br>\$50 Family max.<br>Free Seniors 62+             |                               |
| (Green Acres/Approval Required)       | <b>Non-resident</b> | \$60 Adult<br>\$20 Student 13-18 yrs.<br>\$100 Family max.<br>Free Seniors 62+            |                               |
| Volleyball - Adult                    |                     | \$50  | <u>\$75</u>                   |
| Volleyball- Girls                     |                     | \$80  | \$100                         |
| Yoga                                  |                     | \$80  | \$100                         |

Introduced by: Councilmember Lane; seconded by Councilmember Talarico - All ayes

**58-2016 Awarding Professional Service Contract/Planning Services/Master Plan Review/ & Amendment For The OR-3 & O4-Zones/Municipal Planner/D.Green/Maser Consulting LLC**

**WHEREAS**, the Borough of Montvale deems it necessary to engage the professional services of our Municipal Planner for the Master Plan Review and Amendment for OR-3 and OR-4 Zones within the Borough of Montvale, 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**, Maser Consulting, Inc. 200 Valley Road, Suite 306, Mt. Arlington, NJ 07856 has submitted a detailed proposal dated February 11, 2016 which was previously discussed and approved at the Mayor & Council meeting held on February 23, 2016 which is attached to this resolution; and  
**WHEREAS**, the scope of work is provided in the attached proposal in a not to exceed amount of \$18,075.00 for these professional services other services will be billed at the hourly rate included in

the Planner’s professional service agreement between the Borough of Montvale and Maser Consulting; 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 Mercedes Drive, Montvale, NJ 07645.

Introduced by: Councilmember Talarico; seconded by Councilmember Lane - All ayes

**59-2016 Emergency Temporary Appropriations**

**WHEREAS**, an emergent condition has arisen with respect to certain budget appropriations and no adequate provision has been made in the 2016 temporary budget, and N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations for said purpose; and

**WHEREAS**, the total emergency temporary resolutions adopted in the year 2016 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951) including this resolution total:

Current Fund \$142,745.00

**NOW, THEREFORE, BE IT RESOLVED** (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made in the total amount of:

Current Fund \$95,000.00

2. That said emergency temporary appropriation (will be) provided in the 2016 budget;

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

**CURRENT FUND**

Administrative and Executive:

Other Expenses \$25,000.00

Planning Board:

Other Expenses 10,000.00

Police:

Salaries and Wages 60,000.00

\$95,000.00

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Introduced by: Councilmember Lane; seconded by Councilmember Talarico - All ayes

**60-2016 A Resolution Authorizing a Shared Services Agreement with the County of Bergen for Short Term Emergency Sharing of Fire Apparatus**

**WHEREAS**, the County of Bergen operates a Fire Academy through the County’s Department of Public Safety; and

**WHEREAS**, the County of Bergen owns certain fire apparatus, including ladder vehicles and engines (“Fire Apparatus”) used for training firefighters; and

**WHEREAS**, the County of Bergen has established a program to make certain Fire Apparatus available to municipalities within Bergen County on a temporary/emergency basis for use as front line fire apparatus when not needed by the County for training purposes (“Fire Apparatus Loaner Program”); and

**WHEREAS**, the County and the Borough have determined that by entering into a Shared Services Agreement governing the terms for borrowing the County’s Fire Apparatus in advance of the Borough’s need to utilize the Fire Apparatus, the parties will be able to facilitate the prompt availability of the Fire Apparatus at such time as the Borough has a need to utilize it; and

**WHEREAS**, the Borough is authorized to enter into shared services agreements in accordance with the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq.; and

**WHEREAS**, the County Counsel has prepared a form of Shared Services Agreement entitled “Shared Services Agreement for Short Term Emergency Sharing of Fire Apparatus Between the County of Bergen and Any Municipality Within the County of Bergen” (“Shared Services Agreement”), a copy of which is attached to this Resolution; and

**WHEREAS**, the Shared Services Agreement sets forth the terms under which the County will, subject to availability, loan Fire Apparatus to the Borough on an emergent, temporary basis, such as in circumstances of breakdown or destruction of the Borough’s firefighting vehicles; and

**WHEREAS**, the Borough Attorney has reviewed the Shared Services Agreement and has no objections to the form thereof; and

**WHEREAS**, the Borough Fire Chief has recommended that the Borough enter into this Shared Services Agreement.

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

1. The Recitals set forth above are incorporated as if set forth herein at length.
2. The Borough Council hereby approves the terms of the Shared Services Agreement attached to this Resolution.
3. The Mayor, Borough Clerk, and all other appropriate officials are hereby authorized and empowered to execute the Shared Services Agreement and all other documents necessary to effectuate the purposes of this Resolution, subject to approval as to form by the Borough Attorney.

Introduced by: Councilmember Lane; seconded by Councilmember LaMonica - All ayes

**61-2016 Authorize Execution of Agreement with Katy 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 Alayna Townhome 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, 2016 and terminating on December 31, 2020; 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 Lane; seconded by Councilmember Talarico - All ayes

**BILLS:** Municipal Clerk read the Bill Report.

Motion to pay bills by Councilmember Lane; seconded by Councilmember Curry - All ayes

**REPORT OF REVENUE:** Municipal Clerk read the Report of Revenue - February

**COMMITTEE REPORTS:**

**Council President Lane**

Fire Department

28 calls; they are in the process of moving all the equipment from the firehouse to the DPW building.

**Councilmember Talarico**

Police

Monthly report included in original minutes

Tri-Boro

Montvale logged: 37 calls; 586 miles; 35.75 hours; 31 crew hours

Local Public Assistance

Please consider dry goods to donate – the bin is located by library

**Councilmember Curry**

Construction

Permits have increased from this time last year;

Recreation

All programs are up and running; preparations have begun for Day in the Park which is scheduled for June 18<sup>th</sup>; Tennis registration will begin March 9<sup>th</sup>;

BOH

Reviewed comments of grease trap ordinance; next meeting is scheduled for May 2<sup>nd</sup>;

Building and Grounds

Repairs for the batting cages and back stop will start next week;

Website

Documents and information have been migrated to new site;

**Councilmember LaMonica**

Chamber of Commerce

February 24 at 5:30pm at the Courtyard Marriot there will be a networking event with keynote speakers Mayor Ghassali and CEO of Memorial Sloan Kettering; April 13 will be a networking event held at Davey's at 7:00am including breakfast; a few more networking events are planned for March 1<sup>st</sup> at Garden State Plaza and at Bellissimo on May 1<sup>st</sup>; The annual street fair is scheduled for Sunday, June 5

Seniors

A trip to Arthur Ave and the Botanical Gardens is scheduled for April 5; March 17 is their St Patrick's luncheon at Seasons; increase grant \$6,000

Stigma-Free Coalition

All the schools are actively participating in all aspects of mental health. The teachers are certified in mental health awareness and programs; Mayors Wellness Program is set up through volunteers and they sponsor walks, weight loss programs, etc.

**Councilmember Koelling**

Swim Club

The swim club will submit a 5 year plan – review for next meeting

**Councilmember Weaver**

Environmental Commission

Resignations Wolfgang Vogt and Paul Cohen

Regional School Board

\$500,000 in window renovations; transgender policy for restrooms and locker rooms;

Met with both superintendents, the business administrator and Mayor Ghassali to provide them with an overview of current developments in the town and to answer any questions or concerns they might have.

**MAYOR**

Library

Circulation 10,690; 5,745 patron visits; 34 cards issued;

Report

Would like to thank Wolfgang Vogt for his 25 years of service to the borough and Paul Cohen for 15 years of service; there is a Town hall meeting scheduled for March 31 at 7:00pm at borough hall; a meeting is scheduled for March 15 at 6pm with the Eagle Ridge community to discuss the sewer project; At the next Mayor and Council meeting of April 8<sup>th</sup>, there will a panel of professionals to discuss the state of corporate offices in the region, the trends that they see, etc. Mayor Ghassali would like to appoint Dante Teagno to the Environmental Commission. Mr. Teagno will fill Wolfgang Vogt's liaison position on the Planning Board; Sharp Electronics will now occupy 110,000 square feet of space at 100 paragon drive with 400 jobs coming to Montvale;

**ENGINEER'S REPORT:**

Andrew Hipolit

Report/Update

- a. Authorize Receipt of Bids/Pascack Brook/Eagle Ridge Sanitary Sewer/Grant Funding Reimbursement \$149,000

Update on upcoming projects

- Terkuile and Magnolia paving – early April
- Chestnut Ridge Road widening will set up a meeting with the county in the next couple of weeks

**ATTORNEY REPORT:**

Philip Boggia, Esq.

Report/Update

No Report

**UNFINISHED BUSINESS:**

- a. Tabled Ordinance Amending & Supplementing The Borough Code By Adding A New Chapter 55 Entitled Montvale Economic Development & Retention Commission/ Recommendation To 1<sup>st</sup> Establish Ad Hoc Committee then a Possible Standing Committee

**NEW BUSINESS:**

- a. Review Authorization/Hiring/Summer Camp Assistant Directors/Submission/J. Freeman Recreation Director

Councilmember Curry made a motion to hire Adam LoPresti, Rose Freeman, and Karen LoPresti as assistant summer camp directors; seconded by Councilmember Lane – all ayes

**COMMUNICATION CORRESPONDENCE:**

None

**MEETING OPEN TO THE PUBLIC:**

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

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

Motion to open meeting to the public by Councilmember Talarico; seconded by Councilmember Lane  
- all ayes

NO PUBLIC COMMENT

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Talarico  
- all ayes

**MEETING CLOSED TO THE PUBLIC:**

**ADJOURNMENT:**

Motion to adjourn Public Meeting by Councilmember Lane; seconded by Councilmember Curry  
- all ayes

The next Meeting of the Mayor and Council will be held March 29, 2016 at 7:30 p.m. which includes BUDGET INTRODUCTION

**ADJOURNMENT**

Meeting was adjourned at 8:52pm

**Respectfully submitted, Fran Scordo, Deputy Municipal Clerk**