

**WORKSHOP SESSION
MINUTES**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:50pm. 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 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: Mayor Mike Ghassali; Borough Attorney, Joe Voytus; Borough Engineer, Andrew Hipolit; Administrator/Municipal Clerk, Maureen Iarossi-Alwan; and Deputy Municipal Clerk, Fran Scordo

ROLL CALL:

Councilmember Arendacs
Councilmember Curry
Councilmember Gloeggler

Councilmember Koelling
Councilmember Lane
Councilmember Weaver

High School student, Nicholas, for his Eagle Scout Project, would like to form an astronomy club and use the swim club property because he feels it is the best location as far as no trees and darkness; councilmembers all agreed

ORDINANCES:

PUBLIC HEARING ORDINANCE NO. 2018-1454 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING THE BOROUGH CODE TO ADD A NEW CHAPTER 10, "BASKETBALL COURTS," TO REGULATE THE USE OF PUBLIC BASKETBALL COURTS IN THE BOROUGH

WHEREAS, the Borough of Montvale has encountered difficulties in the administration of the use of its public basketball courts, which has resulted in loud and boisterous behavior and an abundance of trash and other items being left on public property, and which has prevented certain children from being able to utilize the basketball courts; and

WHEREAS, in order to ensure that all players are given a fair opportunity to play on the basketball courts in the Borough of Montvale, the Mayor and Council have determined that it is necessary to regulate the use of public basketball courts in the manner set forth in this Ordinance.

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

Section 1. The Code of the Borough of Montvale is hereby amended and supplemented by adding a new Chapter 10, "Basketball Courts," as follows:

**Chapter 10
Basketball Courts**

§ 10-1. Definitions.

A. Certain words in this Chapter are defined for the purpose thereof as follows:

CHILD — Any person who shall not have attained the age of 13 years.

GUEST — Any person, other than a member, who has paid a fee for the use of the above-mentioned facilities at an hourly rate.

MEMBER — Any person who shall have paid an annual fee and receiving identification evidencing such payment for the use of the facilities being the subject matter of this ordinance.

NONRESIDENT — Any person who shall reside and maintain his or her permanent residence outside the territorial limits of the Borough of Montvale.

RESIDENT — Any person who shall reside and maintain his or her permanent residence within the territorial limits of the Borough of Montvale.

- B. Word usage. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular.

§ 10-2. Use of facilities.

- A. Membership and guest identification required. It shall be unlawful for any person to use at any time the basketball courts located at the Memorial Field Complex in the Borough of Montvale unless and until such person shall have first secured from the Borough of Montvale an identification badge, in a form and displayed in a manner prescribed in regulations established by the Borough, evidencing such person's membership or guest privilege and upon payment of a fee, if applicable.
- B. Application and payment for membership and guest passes. Application and payment for membership and guest passes shall be made to the Montvale Borough Clerk at the municipal offices or at such other place as shall be prescribed in a regulation issued by the Borough of Montvale.
- C. Display of membership and guest identification. Evidence of membership or guest identification shall be in a manner prescribed by the rules and regulations promulgated by the Borough of Montvale.
- D. Guest passes. Residents may obtain a maximum of two (2) guest passes when applying for membership. Nonresidents shall not be entitled to obtain guest passes. Guest pass fees shall be as set forth in the rules and regulations adopted by the Governing Body. The member to whom the guest passes were issued must be present at all times a guest pass is used at the basketball courts.

§ 10-3. Time of play.

- A. Limit of play. On-court play shall be limited to 60 consecutive minutes; provided, however, that should no person or persons be awaiting court time, play may continue until others appear to exercise their playing privileges, in which event such players then on the court shall immediately retreat therefrom. Replay shall be allowed upon a player's positioning his or herself last in consecutive order of those waiting to play upon expiration of a player's court time.
- B. Aggregating court time. A player's permitted court time shall not be aggregated by the number of players participating at a given time.

§ 10-4. Term of membership.

- A. Annual membership. Membership shall be based on a calendar year commencing January 1 through December 31.
- B. Apportionment of fee. Membership fees shall not be apportioned or refunded based on expired or unexpired portions of the year.
- C. Special rules for Children's Court. One marked basketball court shall be reserved for children aged 12 and under, which shall be known as the Children's Court. Players may play on the Children's Court except that, if one or more children request to use the Children's Court, or if it appears that one or more children are waiting with the intention to play on the Children's Court, all such players over the age of 12 shall immediately vacate the Children's Court.

§ 10-5. Attire.

All players must wear shirts while on the courts.

§ 10-6. Fees.

Fees for use of the basketball courts shall be established by resolution of the Governing Body, with due consideration being given to recommendations of the Recreation Department with respect thereto. To the extent possible, said fees shall be substantially based upon the cost of providing the facilities; it being further provided that the refund or apportionment of any fee, based upon an expired or unexpired portion of the term of the program, service or season for which any such fee has been paid or is otherwise due, shall be specifically prohibited. It shall be expressly permitted to establish different rates for residents and non-residents, recognizing that residents already contribute through local taxes to the establishment and maintenance of the basketball courts.

§ 10-7. Right to promulgate rules and regulations; posting.

The Governing Body reserves the right to promulgate from time to time, by resolution, rules and regulations pertaining to the maintenance and operation of the facilities and the conduct of players, which rules and regulations, as the same may from time to time be amended and supplemented, shall be posted at the facilities. In addition, at the time of the submission of application for membership, the applicant shall be provided a copy of the rules and regulations and shall sign an acknowledgment of his or her agreement to abide by such rules and regulations.

§ 10-8. Violations and penalties.

- A. Penalties. Any person who shall violate the provisions of this Chapter shall be subject to a fine of not more than \$100 for the first offense and \$200 for each succeeding offense or violation.
- B. In addition, any persons who shall violate any provision of this Chapter or the rules and regulations promulgated hereunder shall be subject to suspension of membership or guest privileges for a period of one year from the date of conviction of a violation thereof.

§ 10-9. Jurisdiction.

The Municipal Court shall have jurisdiction to impose sanctions for violations of this ordinance.

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, but in no event sooner than July 15, 2018.

Ordinance No. **2018-1454** was introduced for second reading by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only

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

Jarret Schumacher

Ordinance seems to be flawed, he mentioned the littering, the behavior, the language and not to mention skirts vs skins; Councilmember Weaver stated at dismissal time it is an issue; the Mayor stated by issuing badges we can track who is using the courts; the borough attorney stated there will be signs posted as far as behavior and littering;

Bob Zitelli

He agrees with Jarrett; and suggested maybe set hours for adults only play;

Carole Adams

In passing through NYC, she does not see the players shirtless

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

Motion to adopt on Second and Final Reading in the Bergen Record by Councilmember Lane; seconded by Councilmember Weaver; Clerk read by title only

Councilmember Lane asked about what does the Police Chief recommend, Councilmember Koelling read the Police Chiefs comments which will be included in the original minutes; Some questions that were raised, will there be more Police patrolling the courts; will the fines be issued on the spot or will the police officer use his discretion; the borough attorney stated you can adopt ordinance as is and at the next meeting you can amend it. Councilmember Curry also added she would like to see more police patrolling the courts and liked the idea of having certain hours for adults only play.

--- A roll call vote was taken ---

Councilmember Arendacs, Weaver and Lane voted Yes; Councilmembers Curry, Koelling, and Gloeggler voted No; Mayor Ghassali broke the tie by voting Yes, therefore the ordinance was adopted.

INTRODUCTION: ORDINANCE NO. 2018-1455 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 4 OF THE BOROUGH OF MONTVALE TO INCREASE THE MAXIMUM NUMBER OF PLENARY RETAIL CONSUMPTION LICENSES

A motion to Introduce Ordinance No. **2018-1455** 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 Curry - A roll call was taken – all ayes

INTRODUCTION ORDINANCE NO. 2018-1456 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128, "ZONING," TO PROHIBIT MARIJUANA ESTABLISHMENTS AND VAPOR ESTABLISHMENTS, INCLUDING THE CULTIVATION, TESTING OR MANUFACTURING OF MARIJUANA OR VAPOR PRODUCTS AS WELL AS ADVERTISING CONCERNING SAME IN THE BOROUGH OF MONTVALE
(Public Hearing 7/10/18)

A motion to Introduce Ordinance No. **2018-1456** 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 Arendacs - A roll call was taken – all ayes

Councilmember Curry asked does this ban include e-cigarettes that are already being sold in the borough; Councilmember Weaver asked what about the signs that already exists as well; the borough attorney explained that a health and safety ordinance can be adopted as well.

MINUTES:

June 12, 2018

A motion to accept minutes by Councilmember Lane; seconded by Councilmember Gloeggler – all ayes with the exception of Councilmember Curry abstaining

MINUTES CLOSED/EXECUTIVE SESSION:

June 12, 2018

A motion to accept minutes by Councilmember Lane; seconded by Councilmember Gloeggler – all ayes with the exception of Councilmember Curry 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.

141-2018 A Resolution Authorizing the Connection of Block 308, Lot 5 (Also Known As 2 Their Lane) in Upper Saddle River to the Montvale Sanitary Sewer System

WHEREAS, N.J.S.A. 40:63-68 authorizes any municipality to contract with any other municipality to have its sewage received and disposed of by such other municipality; and

WHEREAS, on or about January 21, 1985, a Sewer Connection Agreement (the "Agreement") was entered into by and between the Boroughs of Upper Saddle River, Montvale and Woodcliff Lake which permitted certain properties in Blocks 1205, 1206, 1207 and 1213 in Upper Saddle River to connect to the sanitary sewer systems of Montvale and Woodcliff Lake; and

WHEREAS, subsequently, in or around 1997, the Borough of Montvale did authorize the connection of a certain parcel identified as Block 307, Lot 1, known as 1 Thier Lane in the Borough of Upper Saddle River, to connect to Montvale's sanitary sewer system, subject to the payment of all connection charges and fees required by the Borough of Montvale; and

WHEREAS, a request has been made by the owner of Block 308, Lot 5 in the Borough of Upper Saddle River, identified as 2 Thier Lane (the "Property") to connect to the Montvale sanitary sewer system; and

WHEREAS, the Borough Engineer has reviewed this request and has determined that Montvale's sanitary sewer system can accept this additional flow.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that the request from the owner of the Property to connect to the Montvale sanitary sewer system is hereby approved, subject to the following terms and conditions:

1. The owner of the Property must pay all required connection charges and fees
2. The request to connect to Montvale's sanitary sewer system must also be approved by the Borough of Upper Saddle River prior to any connection being made
3. The connection shall be fully inspected and approved by the Borough of Upper Saddle River

142-2018 Refund Tax Overpayment / Block 2601, Lot 32.01, C0036 / 36 Cider Mill Court

WHEREAS, a resolution authorizing the Borough of Montvale to refund an overpayment of taxes for the property located at 36 Cider Mill Court, also known as Block 2601, Lot 32.01, C0036; and

WHEREAS, the homeowner made a prepayment of taxes in December 2017, he is now selling his home and is requesting a refund in the amount of \$6,294.00; 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 Michael Searles, 36 Cider Mill Court, Montvale, NJ 07645 in the amount of \$ 6,294.00

143-2018 Renewal Liquor License Establishments 2018/2019

BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, in the County of Bergen, State of New Jersey, that renewal Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club License be granted to the following, said Licenses to be effective July 1, 2018 and to terminate June 30, 2019.

BE IT RESOLVED, that the State of New Jersey, Department of Treasury, Division of Taxation has provided Tax Clearance Certificates for each establishment for this renewal period.

0236-33-004-008 Paluter, Inc., t/a Aldo & Gianni Restaurant, for premises at 108 Chestnut Ridge Road, Montvale, New Jersey.

0236-33-005-008 The Waterfall, Inc., t/a Hearth & Tap for the premises at 125 Kinderkamack Road, Montvale, New Jersey.

0236-33-006-003 Montvale Recreation, Inc., t/a Montvale Recreation Inc. for premises at 14 West Grand Avenue, Montvale, New Jersey.

0236-33-007-004 TPC, Inc., t/a Davey's Locker, for premises at 5 Park Street, Montvale, New Jersey.

0236-31-009-001 Montvale Engine Co. #1, Inc., t/a Montvale Fire Department, for premises at 35 West Grand Avenue, Montvale, New Jersey.

0236-44-001-006 Mo & Sy Corp. t/a Montvale Wine & Spirits, Inc. for premises at 18 South Kinderkamack Road, Montvale, New Jersey

0236-44-002-011 BPO Wine Corporation, t/a Wegmans, 100 Farm View, Montvale, New Jersey

BOROUGH OF MONTVALE

JUNE 26, 2018

0236-36-012-003 South City Prime Montvale, LLC t/a Fire & Oak for premises at 100 Chestnut Ridge Road, Montale, New Jersey

BE IT RESOLVED, that the Municipal Clerk be and is hereby directed to issue said licenses.

144-2018 Corrective Action Plan

WHEREAS, the audit report for the year ended December 31, 2017 was received by the Borough of Montvale on May 14, 2018; and

WHEREAS, the Division of Local Government Services requires a corrective action plan to be prepared and submitted within 60 days from the date the audit is received by the Governing Body; and

WHEREAS, the corrective action plan covers all findings and recommendations in the audit report, including state, federal and general findings, as well as, the status of prior year findings and recommendations; and

WHEREAS, the corrective action plan should be prepared by the Chief Financial Officer, with the assistance from other municipal officials affected by the audit recommendations, and approved by the Governing Body.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Montvale hereby approves the corrective action plan prepared and submitted by the Chief Financial Officer in response to the findings and recommendations included as part of the audit report for the year ended December 31, 2017.

145-2018 Authorize Refunds of Recreation Programs

BE IT RESOLVED, the below individuals is hereby granted a refund for online registration for summer camp:

Sara Schmidt, in the amount of \$333.30

HyunJoo Linder, in the amount of \$333.30

146-2018 Appointing Scott Ehalt / Special Law Enforcement Officer Class III

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that Scott Ehalt be and is hereby appointed as a Special Law Enforcement Officer Class III with the Borough of Montvale Police Department; and

BE IT FURTHER RESOLVED, the effective date of employment is June 29, 2018.

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

BILLS: Municipal Clerk read the Bill Report.

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

Councilmember Weaver questioned a bill for \$2,979.00 for Fieldstone turf inspection, the engineer stated this was part of the inspection process;

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

a. Various Streets 2018 NJDOT/Award/FY 2018 Municipal Program

Currently under design of the bid specs for the road program; an additional part of the road program will be the multi-use sports court (former roller rink) it will be lined for pickle ball; councilmembers all agreed to install a fence; the borough received \$218,000 DOT grant for Upper Saddle River Road which will be paved in 2019; Councilmember Weaver asked about Edgren Way, the borough was denied last year because cuts in funding; Mr. Hipolit stated there is a chance the borough could receive the funding for it next year.

b. Proposal Public Bidding Specifications Emergency Repairs/HVAC Municipal Complex/Sr. Community Centerc. Proposal Public Bidding Specifications Emergency Repairs/2018 Roadway & Storm Sewer Emergency Repairsd. Proposal Public Bidding Specifications Emergency Repairs/Sanitary Sewer Repairs

Mr. Hipolit explained this is a proactive approach to have these services available for emergency repairs; the cost of engineering to prepare bid specs will be \$26,000; Lime Energy will be doing an evaluation for the HVAC portion and if accepted, Lime Energy will pay for 70% of the cost for a new HVAC unit at borough hall; councilmembers approved to prepare bid specs

Councilmember Weaver asked what is being done about Fieldstone turf, have we contacted the installer, has a meeting been set; when is it going to be fixed? Mr. Hipolit said he will be meeting with them at the site next week; after a brief discussion, it was decided by council to have the borough attorney send a letter.

ATTORNEY REPORT:

Joseph Voytus, Esq.

Report/Update

No Report

UNFINISHED BUSINESS:a. Presentations Jeffrey Bliss, Borough Auditor & Anthony Inverso/Phoenix Advisors, LLC1) Proposed General Obligations Bonds/Borrowing Analysis

Jeff Bliss and Anthony Inverso explained at this time the borough is in a good position to lock in rates without drastic tax burden to the taxpayers to convert their existing notes into bonds for 12 years; it was all agreed by councilmembers.

b. Hillsdale Resolution/Against Referendum To Permit Woodcliff Lake To Withdraw From The PVRHS District And Impose An Additional Tax Burden Upon The Taxpayers Of Hillsdale

The clerk explained that Hillsdale just adopted this resolution not to withdraw from the district but rather to request a change in the funding and want the other 3 towns to do the same.

c. Request for donation of park bench / Huff Park

The Clerk explained that council needs to decide certain standards about the bench; Councilmember Weaver ask what guidelines are in place, what messages can be place on the bench; no political or commercial messages; Councilmember Lane suggested that the person being honored has to have some connection to Montvale by either living here, working here or volunteering in the community; Councilmember Curry suggested the standard plaque should read, "In Loving Memory of" ... or "in Appreciation of" or "In Honor of".... and can also include donated by "The name of the family" It was all agreed by council to add the above guidelines.

e. Update on Town Wide Survey

Jarret Schumacher has been working on the town wide survey and wanted councilmembers comments and recommendations; some suggestions were made regarding the naming of the parks so residents would know which particular park the questions pertain to; Mr. Schumacher explained some of the questions relate to not only the negative but what do you like about the town; what can be changed or not; it is still a work in progress and he will make the changes and bring back to council for further discussion.

NEW BUSINESS:a. Discussion of Proposed Fees for Basketball Courts / Resident/Non-Resident/Guest

After a brief discussion, it was decided to have the recreation director impose fees and attend the next work shop meeting to further discuss.

1) Montvale Fire Official/Letter of Retirement/J. Wirth/Recommendation Survey of Park Ridge & Woodcliff Lake

Councilmember Lane asked if this can be put on hold for more information

Councilmember Koelling mentioned about the vandalism at the senior center, the clerk explained that cameras will be installed; the discussion was about changing the locks into a swipe system that is similar to what is used at borough hall; councilmembers agreed to install the swipe system; Councilmember Weaver asked if cameras will be installed outside. Councilmember Gloeggler stated we should add more signage for the public restrooms.

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 Lane; seconded by Councilmember Gloeggler - all ayes

Rich Ohnikian, 29 Dogwood Lane

He stated has an issue with his property eroding; a few weeks ago a large tree fell and up rooted a lot of the land near his property; he is located near the Pascack Brook; another owner owns the property across the brook; Mr. Ohnikian is asking for guidance as to what he can do; after a brief discussion the borough has no responsibility and the homeowner has to take care of it himself.

Carole Adams

Asked if there is a government shutdown, does it affect the borough; suggested maybe to shorten the town wide survey; encourage to support Nicholas with his astronomy project; suggested naming the parks.

Dan Buchner, 12 Shadow Lane

Suggested to add nicotine to the ordinance; suggested to get out of the school system and join Woodcliff Lake;

Jarret Schumacher

Suggested with movie under the stars to incorporate the astronomy club

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

ADJOURNMENT

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

Meeting was adjourned at 10:54pm

The next meeting of the Mayor and Council will be held July 10, 2018 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk