

PUBLIC MEETING  
MINUTES

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:40PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Council President 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: Mayor Mike Ghassali arrived at 8:20pm; Borough Attorney, Joe Voytus; Borough Engineer, Andrew Hipolit; and Deputy Municipal Clerk, Fran Scordo

**ROLL CALL:**

Councilmember Arendacs - absent

Councilmember Curry

Councilmember Gloeggler

Councilmember Koelling

Councilmember Lane

Councilmember Weaver

**ORDINANCES:**

**PUBLIC HEARING: ORDINANCE NO. 2018-1458** AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128, "ZONING," TO PROHIBIT MARIJUANA ESTABLISHMENTS, INCLUDING THE CULTIVATION, TESTING OR MANUFACTURING OF MARIJUANA AS WELL AS ADVERTISING CONCERNING SAME IN THE BOROUGH OF MONTVALE  
(Planning Board Recommendations attached)

**WHEREAS**, the State of New Jersey is considering legalizing marijuana for recreational use, allowing for the distribution and consumption of marijuana within New Jersey; and

**WHEREAS**, the Borough of Montvale is concerned about the impacts of the legalization of marijuana on the health, safety and welfare of the public and specifically with respect to children; and

**WHEREAS**, in light of the circumstances present in many other states that have legalized marijuana for recreational use, the Borough of Montvale hereby finds that businesses selling, cultivating, growing, processing or which are otherwise involved in the distribution of marijuana pose specific and articulable concerns, including but not limited to security, the sale or re-sale of marijuana to minors, the health of employees and patrons, patrons driving under the influence of marijuana, connection to organized criminal activity, and the sale of unlicensed products in such establishments; and

**WHEREAS**, the Borough of Montvale is therefore desirous of banning the sale of marijuana and associated paraphernalia, and operations related to the cultivation, testing or manufacturing of such products, within the territorial jurisdiction of the Borough of Montvale.

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

**Section 1.** Chapter 128 of the Borough of Montvale is hereby amended and supplemented by adding a new Section 9.12, "Certain uses related to marijuana prohibited; definitions," as follows:

**§128-9.12 Certain uses related to marijuana prohibited; definitions.**

A. Wherever used in this Chapter, the following terms shall have the meaning indicated:

**HEMP** means a Cannabis plant containing less than 0.3% THC, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds. This definition shall include cannabinoids (CBDs) derived from hemp.

**MARIJUANA** means all or parts of the plant genus Cannabis, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds (except those containing only resin extracted from the plant). Notwithstanding the foregoing, this definition shall not be deemed to include Hemp as such term is defined herein.

**MARIJUANA ESTABLISHMENT** means a business, residence or other location where the cultivation, testing, manufacturing, dispensing, growing, extraction or retail sale of marijuana or marijuana paraphernalia takes place, or where services are offered that involve marijuana or marijuana paraphernalia. This definition shall not include legally-authorized medical care, pharmaceutical research or clinical trials performed or conducted by or under the direction and supervision of a licensed physician, medical research facility, hospital or pharmaceutical company.

**MARIJUANA PARAPHERNALIA** means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

B. In all zoning districts in the Borough of Montvale, the following uses shall be prohibited:

1. Marijuana Establishments. This prohibition shall not include premises regularly in the business of selling and/or dispensing medical marijuana under a license issued by the State of New Jersey, and having been prescribed by a licensed physician and dispensed in accordance with applicable law.
2. Signs, billboards or other similar structures or devices that advertise or promote marijuana or marijuana establishments.

**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.

Ordinance No. **2018-1458** 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 Curry  
- all ayes

**Bob Zitelli, 26 Olde Woods Lane**

Ask what happens to our ordinance if the State legalizes marijuana; the attorney responded by saying it would remain in effect;

**Jarret Schumacher, 30 Highland Road**

Suggested to wait and see what happens if the State legalizes it or not; Councilmember Curry stated this is a proactive approach; Councilmember Lane agreed;

**Dina Ventura, 5 Bryan Drive**

Asked council to consider those residents that want it; wait and see what the State does, what is the rush; Councilmember Lane stated its better to have something in place now, it can always be amended;

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

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

A roll call vote was taken, Councilmembers Curry, Koelling, Lane and Weaver voting Yes and Councilmember Gloeggler voting No

**PUBLIC HEARING: ORDINANCE NO. 2018-1459** AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128, "ZONING," TO PROHIBIT VAPOR ESTABLISHMENTS, INCLUDING THE CULTIVATION, TESTING OR MANUFACTURING OF VAPOR PRODUCTS AS WELL AS ADVERTISING CONCERNING SAME IN THE BOROUGH OF MONTVALE  
(Planning Board Recommendations attached)

**WHEREAS**, electronic smoking devices, commonly known as "e-cigarettes," "e-cigars," "e-pens," "vape pens" or similar names, are battery-operated devices designed to look like and be used in the same or a similar manner as conventional tobacco products; and

**WHEREAS**, electronic smoking devices often contain liquid or cartridges that contain liquid nicotine and other chemical, and which can sometimes be filled or re-filled with liquid solutions containing controlled substances, creating the potential for inhalation and exposure to controlled substances; and

**WHEREAS**, the United States Food and Drug Administration ("FDA") has conducted laboratory analysis of electronic smoking device cartridges and has found the presence of, among other things, diethylene glycol (an ingredient in antifreeze), tobacco-specific nitrosamines (human carcinogens), tobacco-specific impurities suspected of being harmful to humans, varied levels of nicotine despite identically-labelled cartridges, and particularly high doses of nicotine; and

**WHEREAS**, consumers currently lack information resulting from clinical studies about the safety and efficacy of electronic smoking devices, including with respect to second-hand exposure to the vapor emitted from electronic smoking devices; and

**WHEREAS**, the FDA has raised concerns about the use of electronic smoking devices and the marketing and advertising of such products towards young people; and

**WHEREAS**, the Borough of Montvale is concerned that the presence of social clubs and stores primarily selling electronic smoking devices or other vapor products within the Borough would be detrimental to the health, safety and welfare of the public.

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

**Section 1.** Chapter 128 of the Borough of Montvale is hereby amended and supplemented by adding a new Section 9.13, "Certain uses related to vapor products prohibited; definitions," as follows:

**§128-9.13 Certain uses related to vapor products prohibited; definitions.**

A. Wherever used in this Chapter, the following terms shall have the meaning indicated:

**ELECTRONIC SMOKING DEVICE** means any non-combustible product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size and which can be used to deliver nicotine or other substances in a solution, vapor or any form to the person inhaling from the device, including, but not limited to, vapor cartridge, liquid nicotine container, electronic cigarette, cigar, cigarillo, pipe or other form intended to be used with, or in, any such device.

**LIQUID NICOTINE** means any solution containing nicotine which is designed or sold for use with an electronic smoking device.

**LIQUID NICOTINE CONTAINER** means a bottle or other container of liquid, wax, gel or other substance containing nicotine, where the liquid or other contained substance is sold, marketed or intended for use in a vapor product but does not include containers prefilled and sealed by the manufacturer and not intended to be opened by the consumer.

**VAPOR PRODUCT** means electronic smoking devices, liquid nicotine, liquid nicotine containers, and similar products used, or intended to be used, with such products.

**VAPOR ESTABLISHMENT** means a business, residence or other location: 1) in which at least 25% of the retail business consists of the testing, manufacturing or retail sale of vapor products and in which the sale of other products is merely incidental, or 2) where services are offered that involve vapor products, including but not limited to vape lounges or social clubs involving the use of vapor products.

B. In all zoning districts in the Borough of Montvale, the following uses shall be prohibited:

1. Vapor Establishments.
2. Signs, billboards or other similar structures or devices that advertise or promote vapor products or vapor establishments.

**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.

Ordinance No. **2018-1459** 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 Curry - all ayes

Martin Gallagher, Exxon Mini Mart

Asked for clarification as to the definition of vape products; the attorney stated each product is explained in the current ordinance; Councilmember Lane stated that per the Planning Board recommendations they would like to add wording relating to the square footage of space where the items are sold; Councilmember Curry stated this current ordinance can be passed and then amended at next meeting;

Jarret Schumacher

He stated why pass an ordinance then amend it; Councilmember Weaver stated this is to prevent a vape shop from coming to town and it will not impact any current businesses;

Persia Barile, 31 Akers Ave

Encourage the residents to come to a meeting to make their thoughts known;

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

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

Councilmember Lane stated to make sure what the planning board suggested to be amended correctly going forward; the attorney will look into it;  
a roll call vote was taken, Councilmembers Curry, Koelling, Lane and Weaver voting Yes and Councilmember Gloeggler voting No

**MEETING OPEN TO PUBLIC:**

Agenda Items Only

Motion to open meeting to the public by Councilmember Koelling; seconded by Councilmember Curry – all ayes

**NO PUBLIC COMMENT**

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

**MEETING CLOSED TO PUBLIC:**

Agenda Items Only

**MINUTES CLOSED/EXECUTIVE SESSION:**

July 31, 2018

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

**RESOLUTIONS:**

**164-2018 A Resolution Approving Regulations for the Use of the Montvale Basketball Courts**

**WHEREAS**, the Borough of Montvale, through the adoption of Ordinance No. 2018-1454, established certain standards concerning the use of public basketball courts in the Borough; and  
**WHEREAS**, as contemplated by said Ordinance, the Borough is desirous of adopting rules and regulations concerning use of the facilities, including annual badge fees, to better regulate the use of the courts; and

**WHEREAS**, the Recreation Director has drafted rules and regulations concerning the basketball courts, which have been found acceptable to the Borough Council.

**NOW, THEREFORE, BE IT RESOLVED** that the Montvale Basketball Courts rules and regulations attached hereto and made a part hereof are hereby approved by the Borough Council.

**BE IT FURTHER RESOLVED** that the Recreation Director and all other appropriate officials are hereby directed, authorized and empowered to take all steps necessary to effectuate the provisions and purposes of this resolution

Introduced by: Councilmember Lane; seconded by Councilmember Weaver - a roll call vote was taken with Councilmembers Koelling, Lane and Weaver voting Yes and Councilmembers Curry and Gloeggler voting No

**167-2018 Resolution Adopting The Home Improvement Program Policies And Procedures Manual For The Borough Of Montvale**

**WHEREAS**, in accordance with the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, *et seq.*, the Borough of Montvale is required to adopt a program operating manual for the Borough's Home Improvement ("Rehabilitation") Program; and

**WHEREAS**, a Home Improvement Program Policies and Procedures Manual has been prepared by CGP&H, a copy of which is attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Montvale, that the Borough does hereby adopt the Home Improvement Program Policies and Procedures Manual attached hereto.

**BE IT FURTHER RESOLVED** that the Borough Attorney and/or Special Counsel for Affordable Housing are hereby directed to send a copy of this Resolution and the above-referenced Manual to the Special Master, and to request that the Borough's Judgment of Repose be converted to a final Order upon approval of the Manual by the Special Master.

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

**168-2018 A Resolution Authorizing Execution of a Settlement Agreement and Release Related to a Police Personnel Matter**

**Be It Resolved** that the Settlement Agreement and Release concerning the pending police personnel matter is hereby approved, and the Mayor, Borough Clerk and all other appropriate officials are hereby directed, authorized and empowered to execute said agreement and take all steps reasonably necessary to effectuate the provisions and purposes of this resolution.

Introduced by: Councilmember Lane; seconded by Councilmember Gloeggler – all ayes

**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.

**165-2018 Resolution for Renewal of Membership In the Bergen County Municipal Joint Insurance Fund**

**WHEREAS**, the Borough of Montvale is a member of the Bergen County Municipal Joint Insurance Fund; and

**WHEREAS**, said renewed membership terminates as of December 31, 2018 unless earlier renewed by agreement between the Municipality and the Fund; and

**WHEREAS**, the Municipality desires to renew said membership;

**NOW THEREFORE**, be it resolved as follows:

1. The Borough of Montvale agrees to renew its membership in the Bergen County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations,

coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.

2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Bergen County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

**166-2018 Authorizing Hiring Full Time Police Department Secretary / Zita Stratis**

**WHEREAS**, the Borough of Montvale's Police Department is in need of hiring a full-time secretary; and

**WHEREAS**, Zita Stratis has met the qualifications for this position and agrees to the terms and conditions of full time employment, and has completed a satisfactory background investigation; and

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey the above named individual is hereby appointed as a full-time employee, effective August 16, 2018

Introduced by: Councilmember Lane; seconded by Councilmember Curry - all ayes

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

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

**REPORT OF REVENUE:** Municipal Clerk read the Report of Revenue – July

**COMMITTEE REPORTS:**

**Council President Koelling**

No Report

**Councilmember Weaver**

No Report

**Councilmember Curry**

No Report

**Councilmember Gloeggler**

No Report

**Councilmember Lane**

**Fire Dept**

30 fires, 2 drills and 4 extra credits



**MAYOR**

**Report**

Met with Coining to discuss the plans of the Mercedes property; met with the Dairy Queen owner to discuss the safety with guiderails; met with the Rabbi to get an update on the ERUV; 400 surveys have been submitted; in September will go to senior center to help anyone that would like to submit a survey;

Councilmember Curry suggested to advertise the survey on the electronic board

**ENGINEER'S REPORT:**

Andrew Hipolit

Report/Update

a. **Recommendation LIME Energy**

Replace the boiler, HVAC and lighting through the PSE&G Direct Install program; motion to authorize a resolution by Councilmember Lane; seconded by Councilmember Curry – all ayes

b. **Update Fieldstone Turf**

Week of August 20, weather permitting

c. **Spring Valley Sidewalk Project**

The weather has been delaying the project, but the contractor knows this is to be done before school opens

d. **Update Roller Hockey Rink**

It can fit 4 pickle ball courts, bench areas; suggested to have Lisa Dent review the plans;

e. **Speed Humps Memorial School**

The police department will conduct speed data the first two weeks of school; after a brief discussion, it was decided to re-stripe the crosswalks and install speed limit signs before school opens;

**ATTORNEY REPORT:**

Joe Voytus, Esq.

Report/Update

No Report

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

Per the recommendation of the Police Chief, Councilmember Koelling made a motion to promote Alisha Foley to Lieutenant; seconded by Councilmember Gloeggler, a roll call vote was taken – all ayes; also Councilmember Koelling stated due to retirements within the police department the Police Chief would like to hire replacements, motion to authorize hiring new police officers by Councilmember Koelling; seconded by Councilmember Lane, a roll call vote was taken – 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 Lane; seconded by Councilmember Curry  
- all ayes

**Persia Barile**

When will we celebrate the new fire house; Councilmember Lane stated a tentative date is October 6<sup>th</sup>; What will happen with the old roller rink; the engineer stated it will be removed and discarded; encourage fellow residents to attend meetings;

**Bob Zitelli**

Suggested maybe adding another basketball court;

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 9:10pm

The next Workshop Session of the Mayor and Council will be held August 28, 2018 at 7:30 p.m.

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