

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held virtually by Zoom and also held in Council Chambers and called to order at 7:33PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Master Sergeant Dieter 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 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 - absent
Councilmember Koelling

Councilmember Lane
Councilmember Roche
Councilmember Russo-Vogelsang

ORDINANCES:

PUBLIC HEARING ORDINANCE NO. 2021-1505 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 400 OF THE BOROUGH CODE TO PROHIBIT THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make

deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in Section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Mayor and Council of the Borough of Montvale have determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Borough of Montvale in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough of Montvale’s residents and members of the public who visit, travel, or conduct business in the Borough, to amend the Borough of Montvale’s zoning regulations to prohibit all manner of cannabis-related land use and development within the geographic boundaries of the Borough of Montvale at the present time; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that the many factors weigh against allowing cannabis establishments without further information and clarification from the State of New Jersey; and

WHEREAS, these organizations have urged that the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act’s 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts; and

WHEREAS, the Mayor and Council have solicited comments from the public and have held a publicly-advertised “Town Hall” in which the Act was the primary subject of discussion; and

WHEREAS comments, question and concerns were expressed in person, via zoom, and via written submission, from a variety of residents and employees; and

WHEREAS, after careful consideration of the feedback received and the questions raised, the Mayor and Council have determined that the following factors weigh against granting permission for the operation of any cannabis establishments in the Borough at the present time would be imprudent due to numerous factors, including but not limited to the following:

The complexity and novelty of the Act;

The many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality;

The relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions;

The uncertain state of the regulatory scheme governing cannabis establishments that has not yet been proposed or adopted by the Cannabis Regulatory Commission;

The projected significant traffic impact on local roadways that would result from cannabis establishments, specifically including for retail and warehouse/distribution businesses, and including the potential for a large influx of out-of-state residents visiting retail establishments;

The fact that the Borough would be unable to “opt out” for a period of 5 years if action is not taken by August 22, 2021, but yet the Borough would be able to “opt in” to allowing cannabis establishments at any time if an initial decision not to permit cannabis establishments is made at this time

WHEREAS, prohibiting such cannabis establishments at the present time would not preclude the Borough from amending this ordinance to permit one or more classes of cannabis establishments at a later time if it were to be determined to be in the best interests of the Borough of Montvale to do so.

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

Section 1. Pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Montvale, except for the delivery of cannabis items and related supplies by a delivery service.

Section 2. Chapter 400, “Zoning,” Section 87 shall be renamed, “Certain uses related to cannabis prohibited; definitions,” and is hereby repealed and replaced as follows:

§400-87 Certain uses related to cannabis prohibited; definitions.

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

HEMP - 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.

CANNABIS - 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.

CANNABIS ESTABLISHMENT - All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in Section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service. This definition shall also include businesses where the sale and/or distribution of cannabis paraphernalia takes place. 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.

CANNABIS PARAPHERNALIA - 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 cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body.

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

Signs, billboards or other similar structures or devices that advertise or promote cannabis or cannabis establishments.

Section 3. Upon adoption of this Ordinance on first reading, it shall be referred to the Montvale Planning Board in accordance with N.J.S.A. 40:55D-64.

Section 4. 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 5. 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 6. This ordinance shall take effect upon its passage and publication and filing with the Bergen County Planning Board, and as otherwise provided for by law.

A motion Introduced for second reading **Ordinance No. 2021-1505** by Councilmember Koelling; seconded by Councilmember Lane; Clerk read by title only.

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

Some concerned residents supported the ordinance of not having the sale of cannabis in Montvale and some stated that Medical marijuana helps those individuals that are suffering with cancer and other health issues and added it would create revenue for the town.

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

Motion to adopt on Second and Final Reading in The Bergen Record by Councilmember Lane; seconded by Councilmember Koelling; Clerk read by title only. - All ayes on a roll call vote Councilmembers all agreed to adopt this ordinance and wait to see what the regulations from the State require and then re-visit at a later date.

WITHDRAW ORDINANCE NO. 2021-1506 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING THE BOROUGH CODE TO ADD A NEW CHAPTER 250 ENTITLED "LIGHTING" TO REGULATE OUTDOOR LIGHTING IN THE BOROUGH OF MONTVALE

A motion withdraw **Ordinance No. 2021-1506** by Councilmember Lane ; seconded by Councilmember Roche; - a roll call was taken - all ayes

The Borough Attorney, Joe Voytus, stated that the Planning Board has some concerns and would like to further review with the Borough Planner and Engineer.

INTRODUCTION ORDINANCE NO. 2021-1507 AN ORDINANCE AUTHORIZING THE BOROUGH OF MONTVALE TO ACQUIRE CERTAIN REAL PROPERTY KNOWN AS 13 WEST GRAND AVENUE, MONTVALE, NEW JERSEY, IDENTIFIED AS BLOCK 1601, LOT 22, PURSUANT TO THE LOCAL LANDS AND BUILDINGS LAW, N.J.S.A. 40A:12-1, ET SEQ.

(public hearing 6/29/21)

A motion to Introduce Ordinance **2021-1507** for first reading was made by Councilmember Koelling; 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 Koelling - a roll call was taken – all ayes
Mayor Ghassali gave a brief explanation stating that this is the Octagon House and the borough is purchasing it for Historical reasons. A committee will be created to see what to use it for.

INTRODUCTION ORDINANCE NO. 2021-1508 AN ORDINANCE TO AMEND ORDINANCE NUMBERS 2021-1498 & ORDINANCE NO. 2021-1504 TO PROVIDE FOR AND DETERMINE THE RATE, AMOUNT AND METHOD OF PAYMENT OF COMPENSATION TO PERSONS HOLDING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF MONTVALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY
(public hearing 6/29/21)

A motion to Introduce Ordinance **2021-1508** for first reading was made by Councilmember Koelling; 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 Koelling - 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 Koelling – all ayes

No Public Comment

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Russo-Vogelsang – all ayes

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

May 25, 2021

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

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.

105-2021 Resolution Authorizing The Municipal Tax Collector To Prepare And Mail Estimated Tax Bills In Accordance With P.L. 1994, C. 72

WHEREAS, the Bergen County Board of Taxation has not certified the tax rate and the Municipal Tax Collector will be unable to mail the tax bills on a timely basis; and

WHEREAS, the Municipal Tax Collector in consultation with the Municipal Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies: and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Montvale in the County of Bergen and the State of New Jersey on this 10th day of June, 2021, as follows:

1. The Municipal Tax Collector is hereby authorized, if determined necessary, to prepare and issue estimated tax bills for the Borough of Montvale for the third installment of 2021 taxes. The Tax Collector shall proceed and take such actions as permitted and required by P.L. 1994 c. 72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2021 is hereby set at \$51,232,147.42
3. In accordance with law, the third installment of 2021 taxes shall not be subject to interest until the later of August 10, 2021 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

106-2021 Special Item Of Revenue And Appropriation - Chapter 159 - 2021 Open Space Stewardship Project

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item appropriation for an equal amount, and

WHEREAS, the Borough of Montvale has been awarded \$1,500.00 from the Association of New Jersey Environmental Commissions and wishes to amend its 2021 budget to include this amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Montvale hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$1,500.00 which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenues Off-Set with Appropriations:

Association of New Jersey Environmental Commissions:

2021 Open Space Stewardship Project, and

BE IT FURTHER RESOLVED that a like sum of \$1,500.00 be and hereby appropriated under the caption

General Appropriations

(a) Operations Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

Association of New Jersey Environmental Commissions:

2021 Open Space Stewardship Project

107-2021 Special Item Of Revenue And Appropriation - Chapter 159 – Drunk Driving Enforcement Fund

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item appropriation for an equal amount, and

WHEREAS, the Borough of Montvale has been awarded \$4,266.74 from the State of New Jersey – Division of Motor Vehicles and wishes to amend its 2021 Budget to include this amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Montvale hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$4,266.74 which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of Local Government
Services:

Public and Private Revenues Off-Set with Appropriations:

State of New Jersey – Division of Motor Vehicles:
Drunk Driving Enforcement Fund, and

BE IT FURTHER RESOLVED that a like sum of \$4,266.74 be and hereby appropriated under the caption of:

General Appropriations

(a) Operations - Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

State of New Jersey – Division of Motor Vehicles:
Drunk Driving Enforcement Fund

108-2021 Special Item Of Revenue And Appropriation - Chapter 159 – Park Improvement Program Bocce Ball Courts

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item appropriation for an equal amount, and

WHEREAS, the Borough of Montvale has been awarded \$45,000.00 from the County of Bergen and wishes to amend its 2021 budget to include this amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Montvale hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$45,000.00 which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of Local Government
Services:

Public and Private Revenues Off-Set with Appropriations:

County of Bergen – Open Space Trust Fund:

Park Improvement Program – Bocce Ball Courts, and
BE IT FURTHER RESOLVED that a like sum of \$45,000.00 be and hereby appropriated under the caption of:

- General Appropriations
- (a) Operations Excluded from "CAPS"
- Public and Private Programs Off-Set by Revenues:
- County of Bergen – Open Space Trust Fund:
- Park Improvement Program – Bocce Ball Courts

109-2021 Special Item Of Revenue And Appropriation - Chapter 159 – Park Improvement Program La Trenta Field

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item appropriation for an equal amount, and

WHEREAS, the Borough of Montvale has been awarded \$96,309.00 from the County of Bergen and wishes to amend its 2021 budget to include this amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Montvale hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$96,309.00 which is now available as a revenue from:

- Miscellaneous Revenues:
- Special Items of General Revenue Anticipated with
- Prior Written Consent of the Director of Local Government
- Services:

- Public and Private Revenues Off-Set with Appropriations:
- County of Bergen – Open Space Trust Fund:
- Park Improvement Program – La Trenta Field, and

BE IT FURTHER RESOLVED that a like sum of \$96,309.00 be and hereby appropriated under the caption of:

- General Appropriations
- (a) Operations Excluded from "CAPS"
- Public and Private Programs Off-Set by Revenues:
- County of Bergen – Open Space Trust Fund:
- Park Improvement Program – La Trenta Field

110-2021 Special Item Of Revenue And Appropriation - Chapter 159 - Donation: Police – Other Expenses

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item appropriation for an equal amount, and

WHEREAS, the Borough of Montvale has been awarded \$7,500.00 from Wegmans Food Markets, Inc. and wishes to amend its 2021 Budget to include this amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Montvale hereby requests the Director of the Division of Local Government Services to approve the

insertion of an item of revenue in the budget of the year 2021 in the sum of \$7,500.00 which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of Local Government
Services:

Public and Private Revenues Off-Set with Appropriations:
Donation: Police – Other Expenses, and

BE IT FURTHER RESOLVED that a like sum of \$7,500.00 be and hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

Donation: Police – Other Expenses

111-2021 Authorize Change Order No. 1 / NJDOT FY 2018/ A.J.M Contractors, Inc.

WHEREAS, the Borough of Montvale awarded a contract via Resolution No. 222-2018 to A.J.M. Contractors, 300 Kuller Road, Clifton, NJ 07011 for the NJDOT FY 2018 Upper Saddle River Road milling and paving; and

WHEREAS, the original contract amount is \$172,237.00; and

WHEREAS, the Borough Engineer, in a letter dated December 2, 2020 which is attached to the original of this resolution monitored the project and recommends in detail Change Order #1 in the amount of (\$42,442.59); and

Contractor

Total Contract Amount	\$ 172,237.00
Change Order #1	(42,442.59)
Adjusted Total Contract Amount	\$ 129,794.41

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Montvale authorize Change Order #1 in the amount of \$42,442.59 and final payment in the amount of \$1,314.70 is hereby approved; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds have been appropriated and are available for this purpose, a copy of said certification attached to the original copy of this Resolution

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Montvale that the above reference Change Order #1 is hereby approved.

112-2021 Amending Resolution No. 82-2021 To Establish Additional Recreational Fees for Year 2021/Pickleball Courts

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

WHEREAS, the Recreation Director 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:

Weekdays:

8:00AM - 2:00PM Pickleball
2:00PM - Dusk Roller/Street Hockey

Weekends:

8:00AM - 10:00AM Pickleball

10:00AM - 2:00PM Roller/Street Hockey
 2:00PM - 5:00PM Pickleball
 5:00PM - Dusk Roller/Street Hockey

<u>Program Name</u>	<u>Session Length</u>	<u>Resident Fee</u>	<u>Non-Resident Fee</u>
30+ Basketball	Sept-May	\$75	\$95
Adult Soccer	10 weeks	\$15	\$20
Golf Instruction- TGA	6 weeks	\$105	\$125
Pickleball Clinic	3 weeks	\$50	\$65
Pickleball Clinic Drop In Fee	1 class	\$20	\$25
Pickleball Program	January-May	\$50	\$75
Summer Camp: Grades 1-5	4 weeks	\$348 per child \$1044 family max	\$408 per child \$1224 family max
Adventure Camp: Grades 6-7	4 weeks	\$450 per child	\$510 per child
Summer Camp Resident/Non-Resident	<p>\$30 Additional Fee after Registration Period. \$25 late charge for every 15 minutes a child is left under care after camp dismissal. Payment shall be made directly to the Camp Director or Asst. Director and turned over to the Borough of Montvale.</p>		
<u>Program Name</u>	<u>Session Length</u>	<u>Resident Fee</u>	<u>Non-Resident Fee</u>
Extended Day Multisport Camp by TGA During Summer Camp Weeks Only	1 week (2:30-6:30pm)	\$220	\$250
Multisport Camp by TGA After Summer Camp Weeks Conclude and/or During School Breaks	1 week (Half Day)	\$245	\$255
	1 week (Full Day)	\$295	\$305
	1 week (Full Day + After Care)	\$375	\$395

BOROUGH OF MONTVALE

JUNE 10, 2021

TaeKwon-Do	8 weeks (@ 2 classes per week)	\$120	\$180
Tai Chi	8 weeks	\$80	\$100
Montvale Senior Club Tai Chi Discount:	8 weeks	\$40	\$40
Tennis Lessons	6 weeks	\$80	\$120
	5 weeks	\$65	\$100
Tennis Badges			
Adult (Ages 18-61)	March-December	\$30	\$60
Child (Ages 17 & Younger)	March-December	\$10	\$20
Family Max	March-December	\$50	\$100
Seniors (Ages 62 & Up)	March-December	Free	\$10
		\$10 Fee for Replacement Tennis Badge	
Basketball Badges			
Adult (Ages 18-61)	Residents: Lifetime Non-Residents: January-December	Free	\$25
Child (Ages 17 & Younger)	Residents: Lifetime Non-Residents: January-December	Free	\$15
Seniors (Ages 62 & Older)	Residents: Lifetime Non-Residents: January-December	Free	\$10
		\$5 Fee for Replacement Basketball Badge	
Pickleball Badges			
Adult (Ages 18-61)	Residents: Lifetime Non-Residents: January-December	Free	\$25
Child (Ages 17 & Younger)	Residents: Lifetime Non-Residents: January-December	Free	\$15
Seniors (Ages 62 & Older)	Residents: Lifetime Non-Residents: January-December	Free	\$10
		\$5 Fee for Replacement Pickleball Badge	
Ultimate Frisbee by TGA	6 weeks	\$60	\$80
Volleyball- Adult	January-May	\$50	\$80
Volleyball- Girls	8 weeks	\$80	\$75
Yoga	8 weeks	\$80	\$100
Yoga Mini Session	4 weeks	\$40	\$100
Youth Theater	September-December	\$10	\$50

WHEREAS, Borough Owned Recreational Fields and Facilities shall be scheduled by the Borough of Montvale Field Coordinator; and

WHEREAS, Montvale Athletic League (“MAL”), Montvale Recreation and Pascack Hills High School shall have first priority field scheduling use and shall provide a schedule to the Field Coordinator no later than February 1 and June 1 for the respective Spring and Fall seasons.

WHEREAS, MAL, Recreation, Pascack Hills High School and churches are exempt from payment of fees relating to field use.

<u>Facilities</u>	<u>Fee</u>	<u>Resident Team/Corporation</u>	<u>Non-Resident Team/Corporation</u>
Ballfields: Baseball or Softball (Memorial, Fieldstone or LaTrenta)	Per Hour Per Field (2 hour minimum)	\$25	\$50
Turf Fields: Soccer or Lacrosse (Fieldstone)	Per 2 Hour Time Slot Per Field	\$75 (full field) \$50 (half field)	\$150 (full field) \$100 (half field)
Basketball Courts: (Memorial)	Per Hour: Court #2 Only	\$25	\$50
Tennis Court Group Reservation (Memorial or LaTrenta) *Two court maximum reservation at any one location	Per Day	\$25	\$50
Corporation Event Field Reservation (1 scheduled day plus 2 rain dates)	Per Day	\$200	\$400

Field and Facility Permit Regulations

MAL endorsed programs in sports that are not offered by MAL, and which have Montvale residents participating, shall be charged the resident fee for field use.

Resident Corporation: Any company that owns or leases commercial within the borough.

Non-Resident Corporation: Any company that does not own or lease commercial space within the borough.

Residential Team: Any athletic team comprised of at least 75% of its roster with Montvale residents.

Non-Residential Team: Any team not having at least 75% of its roster filled with Montvale residents.

Time Slot: An uninterrupted 1 or 2 hour time period or any part thereof, that a field/facility is being used by an approved team.

Corporate Fees: Corporate fees paid to the borough for field use, whether Resident Corporation or Non-Resident Corporation, will entitle the user to 1 field reservation time slot and up to 2 additional time slots that are designated as “rain dates”.

Season: Spring season will begin March 1 and end July 31. Fall season will begin August 1 and end December 31.

Field/Facility users who provide 7 days or more notice of changes in their scheduled use can receive a time credit if the scheduled hours are decreased. Any changes in field schedules without 7-day notice will not receive a time credit for unused field time. Time credits are only valid for the existing season and the following season.

Field/facility users applying for 50 or more field hours per season will be billed by their total sum of hours.

Payment is required prior to use on all fields or no field use will be granted.

Once field use requests are received in full by February 1st for Spring season and June 1st for Fall season, field use will be established with the following order of preference:

1. Montvale Athletic League, Recreation and Pascack Hills High School
2. Resident: Not-For-Profit Entity
3. Resident: For Profit Entity
4. Non-Resident: Not-For-Profit Entity
5. Non-Resident: For-Profit Entity

WHEREAS, it is the Borough of Montvale’s intention by the adoption of this resolution that if any prior established fee is in conflict with fee schedule the fees set forth in this fee schedule shall be the fees charged and any conflicting prior fee is hereby superseded, repealed and replaced with the fees adopted pursuant to this resolution.

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

113-2021 A Resolution Authorizing the Payment of a Deposit Towards the Purchase of Certain Real Property Known as 13 West Grand Avenue, Montvale, New Jersey

WHEREAS, N.J.S.A. 40A:12-5 authorizes municipalities to acquire real property by way of negotiated purchase; and

WHEREAS, in order to effect such a purchase, a municipality must adopt an ordinance authorizing same; and

WHEREAS, the Governing Body of the Borough of Montvale has deemed it necessary and advisable to acquire certain real property in the Borough known as 13 West Grand Avenue, and identified as Block 1601, Lot 22 on the Official Tax Map of the Borough (the “Property”); and

WHEREAS, the Property and the building located thereon have historic value to the Borough, and the Property is located in a valuable location for facilitating future development in the Borough’s primary business district; and

WHEREAS, a valuation of the Property was completed in 2021, after which negotiations were conducted with the Owners of the Property; and

WHEREAS, the Borough subsequently issued a Letter of Intent to the Owners of the Property, which was accepted by the Seller and its attorney; and

WHEREAS, the funding for the purchase of the Property shall come from a Bond Ordinance to be adopted by the Borough, and the purchase shall be conditioned upon the Borough receiving funding from said Ordinance; and

WHEREAS, the Borough Council has determined that it is in the best interests of the Borough of Montvale to acquire the Property for the purposes set forth herein; and

WHEREAS, by separate instrument, the Borough shall adopt the necessary authorizing Ordinance for acquisition of the Property; and

WHEREAS, the Borough is desirous of authorizing the Borough Clerk to deposit with the Seller’s attorney the amount forty-one thousand two hundred fifty dollars (\$41,250), representing 5% of the Purchase Price, in accordance with the provisions of the Contract of Sale, which Deposit shall be fully refundable until the expiration of the Investigation Period.

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk is hereby authorized to pay a deposit for the acquisition of the Property in the amount of \$41,250 to the attorney trust account of the Seller's attorney, Lilia A. Munoz, Esq.

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

BILLS: Municipal Clerk read the Bill Report.

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

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

COMMITTEE REPORTS:

Council President Lane

Fire Dept

22 fire calls; 2 drills; 5 extra credits and 1 meeting; total for this year 101 fires, 10 drills, 18 extra credits and 5 meetings. Would like to see more volunteers.

Councilmember Lane mentioned an action taken by Woodcliff Lake in regards to a school study. We did not budget for this study and recommended not moving forward with this.

Councilmember Arendacs

Engineering

Construction will begin in a few weeks on the bocce ball courts; would like to commend the borough engineer on a job well done regarding the drainage issue at LaTrenta field

Councilmember Koelling

Police

Monthly report included in original minutes;

Board of Health

Currently we have no cases of COVID in Montvale; Flu clinic is scheduled for Oct 2nd; Rabies clinic is scheduled for Nov 6 at the DPW; camp counsellors will need CPR training.

Happy Pride month

Councilmember Russo-Vogelsang

Construction

81 permits; 74 Miscellaneous permits; 21 property maintenance violations; construction on the major sites continue to move along despite material issues.

Local BOE

Message from the Superintendent, excited about the year-end activities including the 4th grade picnic, the 4th grade clap-out and the 8th grade graduation; Best wishes for a great summer to the Mayor, Council and all the residents of Montvale.

Councilmember Roche
Chamber of Commerce

Street Fair is scheduled for October 17;

Regional BOE

Thanked Dr. Gundersen for his years of service he will be leaving at the end of this month; Daniel Fishbein will be the temporary Superintendent

Special Events/Recreation

Pickle Ball badges will be ordered asap and issued before July 1st. Park monitor has been hired.

Summer Camp

Still have some openings for 7th graders

MAYOR

Happy to see people without masks; restaurants are full; spoke with about 15 companies in town and their employees are slowly coming back to the office; received word from the Governor's office that 63% of Montvale are vaccinated and about 70% have at least the first dose. Hoping in the next few weeks the numbers will be at 70%; Park Ridge Pharmacy will come to your house if you are homebound; Working on the water tower issue with Suez, the borough engineer and Fire Chief; Chief Gibbons mentioned of the ongoing issues with water pressure on the west side of town; Suez wants to install an additional tank and change the existing one. Would like to invite the residents to a town hall meeting that are in the area of the water tank. Mayor Ghassali mentioned the Pride Event on Sunday, June 13 from 5-7pm

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

Construction of the bocce ball courts will begin in the next few weeks; Would like authorization to apply for NJDOT grant application for Summit Ave; a motion to authorize, the borough engineer to apply for the NJDOT grant by Councilmember Lane; seconded by Councilmember Arendacs – all ayes. In regards to the signal on West Grand Ave, the county is aware of the long wait time and stated to have patience, it will be adjusted; Speed bump on Mercedes will be fixed in the coming weeks;

Magnolia Bridge Update

The county should receive bids in the next few weeks; it is a long process, probably would not start until Spring 2022; the project will take approximately 18 months to complete once it gets started; Once the road is closed the light on Woodland will be placed.

ATTORNEY REPORT:

Joe Voytus, Esq.
Report/Update
No Report

UNFINISHED BUSINESS:

None

NEW BUSINESS:

- a. Municipal Parking Lot Railroad Avenue Parking Permits/Determine To Reinstate Permit Fees

The clerk mentioned that due to COVID, councilmembers waived the fees last year; asking council if it can be re-instated; Councilmember Lane made a motion to re-instate the permit fees; seconded by Councilmember Roche – all ayes

COMMUNICATION CORRESPONDENCE:

Received a letter from Memorial Sloan in support of the water towers;

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 Roche - all ayes

Lillian Crowley

Wanted to address the article in the Bergen Record on June 9 about Montvale Basketball Courts, she was not happy with the article.

Brian Rosenblum

In referencing the noise ordinance that was recently passed, currently, this meeting has violated indoor decibel readings; the borough attorney, stated it doesn't apply to human voices; did you consult an audio engineer? Mayor Ghassali ask Mr. Rosenblum to email his concerns to the borough attorney and himself.

Carolee Adams

Mentioned that the Borough of Montvale was awarded \$18,119.32 from the State grants for reducing litter; Reminder, Monday, June 14 is Flag day, can you put it on the digital board; Would like to honor all the Veterans in town with their pictures to be placed on a banner; Mayor Ghassali stated that he will be forming a committee for Veteran Affairs.

Jarret Schumacher

Suggested that you can bring your old flags to River Vale, check their website; wanted to know how will the borough pay for the Park monitor, from revenue?? Mayor Ghassali stated not from revenue of the sale of badges; Councilmember Lane added that the Park Monitor was hired to monitor all fields in addition to the basketball courts.

Edward, From Sativa Cross.org, Advocate for disabled rights and cannabis rights

Asked if the council will continue with zoom meetings; in the past year many disabled people were able to participate in online classes, online churches, online council meetings, etc. Now a lot of towns are doing away with online access. It is important for towns to continue with online access for people that cannot physically attend.

John Rotante

There is a large group with over 300 members that play pickleball throughout Bergen County; the app shows Montvale is scheduled everyday; it does not leave room for Montvale residents to play; will residents have to schedule court time; regarding the bocce courts is there any thought about putting up some kind of shelter to cover the courts because there is no shade there.

Carolee Adams

Mentioned Father's day on June 20

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

Motion to adjourn Public Meeting by Councilmember Lane; seconded by Councilmember Roche
- all ayes
Meeting was adjourned at 9:36pm

Next Meeting of the Mayor & Council will be on June 29, 2021 at 7:30pm in person only.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk