

## MINUTES WORK SESSION

The Work Session Meeting of the Mayor and Council was in the Council Chambers and called to order at 7:33pm. 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 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).

### **ROLL CALL:**

|                                 |                                   |
|---------------------------------|-----------------------------------|
| Councilmember Arendacs - absent | Councilmember Lane                |
| Councilmember Cudequest         | Councilmember Roche               |
| Councilmember Koelling          | Council President Russo-Vogelsang |

Also Present: Borough Attorney, Joe Voytus; Borough Engineer, Andy Hipolit; Administrator/Municipal Clerk, Maureen Iarossi-Alwan; and Deputy Municipal Clerk, Fran Scordo

### **ORDINANCES:**

**PUBLIC HEARING ON ORDINANCE NO. 2022-1516** AN ORDINANCE TO AMEND SALARY ORDINANCE NO. 2022-1515 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 FOR THE YEAR 2022

**BE IT ORDAINED BY** the Mayor and Council of the Borough of Montvale as follows:

**SECTION 1.** Each of the offices and positions of employment hereinafter named that are not established or created by virtue of any statutes or of any ordinance, resolution, or other lawful authority heretofore exercised by the Borough of Montvale, is hereby established, created, ratified and confirmed.

**SECTION 2.** The rate of compensation of the persons holding any of the hereinafter named offices and positions of employment whose compensation shall be on an annual basis and shall be payable semi-monthly is hereby fixed and determined to be as set opposite the title of each of the hereinafter named offices and positions of employment.

| Title |  | 2022 Salary Range   |
|-------|--|---------------------|
| 1.    | Municipal Court Administrator          | \$75,000 - \$90,000 |
| 2.    | Deputy Court Administrator             | \$50,000 - \$65,000 |
| 3.    | Library – Library Adult/Youth Services | \$52,000 - \$65,000 |

**SECTION 3.** The Borough Treasurer shall present semi-monthly or as established by Resolution to the Governing Body for approval warrants drawn to the order of the Borough of Montvale Payroll Account and the Borough of Montvale Salary Account.

At the first meeting of the Governing Body in January of each year, there shall be approved accounts to be designated "The Borough of Montvale Payroll Account" and "The Borough of Montvale Salary Account" and from time to time the Borough Treasurer upon receipt of a warrant for the amount due each Payroll, shall deposit the same to the credit of these accounts, charging the appropriate budgetary accounts therewith. The Borough Treasurer shall thereafter draw checks on said accounts to the employees entitled to payment therefrom.

Any employee hired under the terms of a Special Library Grants; salary will be determined by the Authority making such grant.

The Mayor and Borough Council may by adoption of a resolution and by approved payroll advice, increase compensation (base wage adjustment or one-time merit/bonus increase) of any salaried employee in the above schedule, who has reached their maximum, up to 10% above the pay range maximum.

At each regular meeting of the Governing Body of the Borough of Montvale, the Treasurer shall submit for the approval or ratification as the case may be, the necessary payroll amounts due to the several officers and employees for compensation.

Such officers as may be determined by the Governing Body, as established by resolution, shall be authorized to sign warrants drawn in favor of the Payroll Account, upon due notice that the payrolls have been approved by the proper certifying authorities.

**SECTION 4.** This ordinance shall be operative as of January 1, 2022, and salaries paid shall be adjusted in accordance with the terms of this ordinance.

**SECTION 5.** All other ordinances and parts of ordinances inconsistent herewith are hereby appealed.

**SECTION 6.** This ordinance shall take effect immediately upon publication in the manner provided by Law.

A motion Introduced for second reading **Ordinance No. 2022-1516** by Councilmember Cudequest; seconded by Councilmember Koelling; Clerk read by title only.

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

No Public Comment

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

Motion to adopt on Second and Final Reading in The Bergen Record by Councilmember Lane; seconded by Councilmember Roche; Clerk read by title only. - All ayes on a roll call vote

**PUBLIC HEARING ON ORDINANCE NO. 2022-1517** AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY, ALSO KNOWN AS BLOCK 1002, LOTS 3 AND 5, NOT NEEDED FOR PUBLIC USE, TO MONTVALE FAMILY APARTMENTS URBAN RENEWAL, LLC FOR THE CONSTRUCTION OF A 100% AFFORDABLE HOUSING DEVELOPMENT PURSUANT TO N.J.S.A. 40A:12-21(L)

**WHEREAS**, on March 10, 2015, the Supreme Court of the State of New Jersey issued a decision In The Matter Of The Adoption Of N.J.A.C. 5:96 And 5:97 By The New Jersey Council On Affordable Housing, 221 N.J. 1 (2015), in which it found that because COAH failed to adopt the new Round 3 regulations, the Court directed trial courts to assume COAH's functions and created transitional procedures for court review and approval of municipal Housing Element and Fair Share Plans pursuant to COAH's rules and regulations as described in N.J.A.C. 5:93-5.8; and

**WHEREAS**, the Borough of Montvale ("Borough") is the owner of that certain land and premises located on Summit Avenue in Montvale, Bergen County New Jersey consisting of approximately 3.3 acres and identified on the municipal tax map as Lots 3 and 5, Block 1002 on the official Tax Map of the Borough of Montvale, County of Bergen, State of New Jersey (the "Premises"); and **WHEREAS**, the Premises is intended to be utilized to address, in part, the Borough's obligation to provide its fair share of the region's affordable housing need in accordance with what is commonly referred to as the "Mount Laurel Doctrine"; and

**WHEREAS**, the Premises is identified in the Settlement Agreement by and between the Borough and Fair Share Housing Center dated November 14, 2017 and amended by First Amendment to the Settlement Agreement dated November 28, 2017 (collectively the "Settlement Agreement") as a municipally-sponsored site for a 100% affordable rental community; and

**WHEREAS**, after a "fairness hearing" on January 25, 2018, the Superior Court of New Jersey executed an Order Approving Settlement Agreement between the Borough of Montvale and Fair Share Housing Center dated February 12, 2018, approving the Settlement Agreement; and

**WHEREAS**, the Premises is also identified in the Borough's Fair Share Plan as the site for the development of a 100% affordable rental community; and

**WHEREAS**, The Walters Group (by and through its subsidiary Montvale Family Apartments Urban Renewal, LLC) ("Developer"), with offices at 21 East Euclid Avenue, Suite 200, Haddonfield, New Jersey 08033, has proposed to construct a twenty-five (25) unit residential affordable family rental apartment housing project ("Project") pursuant to the provisions of the State of New Jersey Department of Community Affairs Affordable Housing Trust Fund Program in accordance with the Program Guidelines and Procedures, the Neighborhood Preservation Balanced Housing Rules, N.J.A.C. 5.43-1.1 et seq., and the mortgage and other financing documents executed between the Sponsor and the DCA, or any other DCA programs applicable, with funding in an amount not to exceed the maximum allowed in accordance with N.J.A.C. 5:43-1.1 et seq., within the Borough of Montvale on a sufficient portion of the Premises; and

**WHEREAS**, the Developer is an experienced developer, operator and administrator of affordable rental housing with on-site supportive social services and has expressed interest in constructing, owning, operating and maintaining affordable income-restricted family rental housing with supportive services in the Borough to assist the Borough in addressing its Third Round affordable housing obligation more specifically described in the Settlement Agreement; and

**WHEREAS**, it is in the best interests of the Borough that the Premises be developed for the construction of a 25-unit 100% income-restricted affordable rental family housing community by the Developer; and

**WHEREAS**, the Borough and the Developer have entered into a Development and Property Transfer Agreement concerning the Premises and the Project; and

**WHEREAS**, Developer applied for and received funding for this project from the New Jersey Department of Community Affairs, New Jersey Affordable Housing Trust Fund Program, as well as supplemental funding from the Bergen County HOME program; and

**WHEREAS**, pursuant to and in accordance with the provisions of the Long Term Tax Exemption Law, as amended and supplemented, N.J.S.A. 40A:20-1, et seq., as amended and

supplemented (the "LLTE"), the Borough previously adopted Ordinance No. 2020-1493, which authorized and approved an agreement for to accept, in lieu of real property taxes, an annual service charge paid by the Developer to the Borough in accordance with certain applicable provisions of the LTTE; and

**WHEREAS**, the adoption of said Ordinance granting a tax exemption for the Project improvements and authorizing a Payment In Lieu of Taxes ("PILOT") program for the Project is demonstrative of the Borough's consistent, continuing and strong support for the project; and **WHEREAS**, the Borough and the Developer did thereafter execute a financial agreement as authorized by Ordinance No. 2020-1493; and

**WHEREAS**, the Developer has received Final Site Plan approval, with related approval for a major soil movement permit, from the Borough of Montvale Planning Board, and has received all other relevant land use approvals; and

**WHEREAS**, all contingencies set forth in paragraph 3 of the Development and Property Transfer Agreement between the Borough and Developer have therefore been satisfied; and

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., authorizes the private sale of real property not needed for public use to a "duly incorporated urban renewal corporation organized pursuant to P.L.1991, c.431 (C.40A:20-1 et seq.) for the purpose of constructing housing for low or moderate income persons" for a price which may be nominal; and

**WHEREAS**, the Borough is therefore authorized pursuant to N.J.S.A. 40A:12-21(L) to authorize, by ordinance, the sale of the Premises to Montvale Family Apartments Urban Renewal, LLC; and

**WHEREAS**, the Borough is therefore desirous of selling the Premises to Developer for the nominal fee of one dollar (\$1.00) so that Developer can construct this Project in satisfaction of the Borough's obligation for the construction of 25 units of low- and moderate-income units on the Premises.

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

1. The aforementioned recitals are incorporated as if set forth herein at length.
2. The Borough does hereby authorize the sale of the Premises located at Block 1002, Lots 3 and 5 to Montvale Family Apartments Urban Renewal, LLC, for the nominal fee of one dollar (\$1.00).
3. The Mayor, Borough Clerk and all other appropriate officers, officials and employees are hereby directed, authorized and empowered to execute the Deed(s) necessary to effectuate said transfer, along with all other documents reasonably necessary to accomplish same, subject to approval as to form by the Borough Attorney.
4. The Mayor, Borough Clerk and all other appropriate officers, officials and employees are hereby further directed, authorized and empowered to undertake all actions reasonably necessary to effectuate the provisions and purposes of this Ordinance and to effectuate the transfer of the Premises to Developer pursuant to the terms of the Development and Property Transfer Agreement.
5. All Ordinance or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
6. If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section,

paragraph, subparagraph, clause or provision so adjudged and the remainder of this Ordinance shall remain valid and effective.

7. This Ordinance shall take effect immediately after adoption and publication as required by law.

A motion Introduced for second reading **Ordinance No. 2022-1517** by Councilmember Cudequest; seconded by Councilmember Roche; Clerk read by title only.

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

No Public Comment

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

Motion to adopt on Second and Final Reading in The Bergen Record by Councilmember Lane; seconded by Councilmember Roche; Clerk read by title only. - All ayes on a roll call vote

**INTRODUCTION ORDINANCE NO. 2022-1518** CALENDAR YEAR 2022 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)  
(Public Hearing 4-12-22)

A motion to Introduce Ordinance **2022-1518** for first reading was made by Councilmember Cudequest; seconded by Councilmember Roche; 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 Roche - a roll call was taken – all ayes

**66A-2022 GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

**WHEREAS**, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

**NOW, THEREFORE BE IT RESOLVED**, That the governing body of the Borough of Montvale, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

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

**67-2022 Emergency Temporary Appropriations**

**WHEREAS**, an emergent condition has arisen with respect to certain budget appropriations and no adequate provision has been made in the 2022 temporary budget, and N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations for said purpose; and

**WHEREAS**, the total emergency temporary resolutions adopted in the year 2022 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951) including this resolution total:

Current Fund            \$12,774,058.24

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

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

Current Fund            \$12,774,058.24

2. That said emergency temporary appropriation (will be) provided in the 2022 budget;

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

**General Appropriations****Operations – Within "CAPS"**

|  |              |
|--|--------------|
| Administrative and Executive:                        |              |
| Salaries and Wages                                   | \$177,000.00 |
| Other Expenses                                       | 121,373.00   |
| Mayor and Council:                                   |              |
| Salaries and Wages                                   | 38,950.00    |
| Other Expenses                                       | 16,700.00    |
| Borough Clerk:                                       |              |
| Salaries and Wages                                   | 111,850.00   |
| Other Expenses                                       | 12,150.00    |
| Elections  |              |
| Salaries and Wages                                   | 2,500.00     |
| Other Expenses                                       | 10,300.00    |
| Financial Administration:                            |              |
| Salaries and Wages                                   | 155,325.00   |
| Other Expenses                                       | 30,750.00    |
| Audit Services:                                      |              |
| Other Expenses                                       | 46,000.00    |
| Tax Assessment Administration (Assessment of Taxes): |              |
| Salaries and Wages                                   | 27,600.00    |
| Other Expenses                                       | 24,200.00    |
| Revenue Administration (Collection of Taxes):        |              |
| Salaries and Wages                                   | 49,400.00    |
| Other Expenses                                       | 19,350.00    |
| Legal Services and Costs:                            |              |
| Other Expenses                                       | 200,000.00   |
| Engineering Services and Costs:                      |              |
| Other Expenses                                       | 100,000.00   |

**BOROUGH OF MONTVALE****MARCH 29, 2022**

|   |              |
|---|--------------|
| Cable TV Committee:                           |              |
| Salaries and Wages                            | 5,000.00     |
| Other Expenses                                | 58,500.00    |
| Historic Preservation Commission:             |              |
| Other Expenses                                | 600.00       |
| Historian:                                    |              |
| Other Expenses                                | 50.00        |
| Planning Board:                               |              |
| Salaries and Wages                            | 70,250.00    |
| Other Expenses                                | 88,600.00    |
| Master Plan                                   | 150,000.00   |
| Zoning Official:                              |              |
| Salaries and Wages                            | 4,375.00     |
| Property Maintenance:                         |              |
| Salaries and Wages                            | 14,650.00    |
| Life Insurance                                | 1,920.00     |
| General Liability Insurance                   | 136,974.00   |
| Worker's Compensation Insurance               | 67,306.00    |
| Employee Group Health                         | 465,582.00   |
| Employee Group Health - Waiver                | 47,750.00    |
| Fire:   |              |
| Other Expenses                                | 136,250.00   |
| Fire Hydrant Service                          | 140,000.00   |
| Police:                                       |              |
| Salaries and Wages                            | 2,913,000.00 |
| Other Expenses                                | 202,100.00   |
| Acquisition of Police Vehicles                | 15,000.00    |
| Police Dispatch / 911 (Radio Communications): |              |
| Other Expenses                                | 45,000.00    |
| First Aid Organization:                       |              |
| Other Expenses                                | 25,000.00    |
| Emergency Management:                         |              |
| Salaries and Wages                            | 3,200.00     |
| Other Expenses                                | 19,600.00    |
| Uniform Fire Safety:                          |              |
| Salaries and Wages                            | 86,025.00    |
| Other Expenses                                | 7,400.00     |
| Prosecutor:                                   |              |
| Other Expenses                                | 13,000.00    |
| Road Repair and Maintenance:                  |              |
| Other Expenses                                | 25,000.00    |
| Sewer System:                                 |              |
| Other Expenses                                | 35,000.00    |
| Garbage and Trash Removal:                    |              |
| Other Expenses                                | 625,000.00   |
| Recycling:                                    |              |
| Other Expenses                                | 5,000.00     |
| Public Buildings and Grounds:                 |              |
| Salaries and Wages                            | 14,025.00    |
| Other Expenses                                | 158,325.00   |
| Maintenance of All Vehicles:                  |              |
| Other Expenses                                | 37,500.00    |
| Municipal Services Act:                       |              |
| Other Expenses                                | 14,000.00    |
| Stormwater Management:                        |              |
| Other Expenses                                | 50,000.00    |
| Public Health Services (Board of Health):     |              |

**BOROUGH OF MONTVALE****MARCH 29, 2022**

|  |            |
|--|------------|
| Salaries and Wages                           | 7,000.00   |
| Other Expenses                               | 64,250.00  |
| Environmental Commission:                    |            |
| Salaries and Wages                           | 3,550.00   |
| Other Expenses                               | 13,000.00  |
| Animal Control Services (Animal Regulation): |            |
| Other Expenses                               | 8,500.00   |
| Welfare Administration (Public Assistance):  |            |
| Salaries and Wages                           | 5,050.00   |
| Other Expenses                               | 250.00     |
| PEOSHA Compliance:                           |            |
| Other Expenses                               | 2,000.00   |
| Parks and Playground Maintenance:            |            |
| Other Expenses                               | 5,000.00   |
| Recreation:                                  |            |
| Salaries and Wages                           | 58,325.00  |
| Other Expenses                               | 29,500.00  |
| Senior Citizens Van:                         |            |
| Salaries and Wages                           | 11,500.00  |
| Other Expenses                               | 32,000.00  |
| Municipal Court:                             |            |
| Salaries and Wages                           | 103,050.00 |
| Other Expenses                               | 12,256.00  |
| Public Defender:                             |            |
| Other Expenses                               | 4,000.00   |
| Construction Code Official:                  |            |
| Salaries and Wages                           | 128,325.00 |
| Other Expenses                               | 38,200.00  |
| Building Sub-Code Official:                  |            |
| Salaries and Wages                           | 28,100.00  |
| Plumbing Sub-Code Official:                  |            |
| Salaries and Wages                           | 19,800.00  |
| Fire Sub-Code Official:                      |            |
| Salaries and Wages                           | 10,250.00  |
| Electrical Sub-Code Official:                |            |
| Salaries and Wages                           | 31,275.00  |
| Elevator Sub-code Official:                  |            |
| Other Expenses                               | 26,000.00  |
| Gasoline                                     | 40,000.00  |
| Electricity                                  | 96,680.00  |
| Telephone                                    | 29,910.00  |
| Natural Gas                                  | 19,120.00  |
| Water  | 30,000.00  |
| Street Lighting                              | 87,500.00  |
| Celebration of Public Events:                |            |
| Other Expenses                               | 35,000.00  |
| Salary Adjustment Account                    | 10,000.00  |
| Prior Year Bills:                            |            |
| Enclave at Montvale - 2019                   | 2,636.00   |
| Enclave at Montvale - 2020                   | 2,636.00   |
| Air Systems Inc. - 2020                      | 7,241.69   |
| Contingent                                   | 1,000.00   |

**Deferred Charges and Statutory  
Expenditures - Municipal within "CAPS"**



**Statutory Expenditures:**

|   |                     |
|---|---------------------|
| Public Employees Retirement System          | 219,402.00          |
| Social Security System                      | 154,777.00          |
| Police and Fire Employees Retirement System | 1,080,043.00        |
| Defined Contribution Retirement Program     | 7,252.00            |
|   | <u>9,288,808.69</u> |

**Operations - Excluded from "CAPS"**

|   |                     |
|---|---------------------|
| Maintenance of Free Public Library              | 579,145.00          |
| Maintenance of Free Public Library - Additional | 1,662.00            |
| Sewer Processing and Disposal:                  |                     |
| Contractual                                     | 660,000.00          |
| LOSAP   | 55,000.00           |
|   | <u>1,295,807.00</u> |

**Shared Service Agreements:**

|   |                     |
|---|---------------------|
| Police Dispatch / 911:                  |                     |
| Other Expenses                          | 151,540.00          |
| Municipal Court Administration:         |                     |
| Salaries and Wages                      | 77,150.00           |
| Other Expenses                          | 43,938.00           |
| Prosecutor:                             |                     |
| Other Expenses                          | 10,000.00           |
| Public Defender:                        |                     |
| Other Expenses                          | 3,000.00            |
| Pascack Valley Special Police Officers: |                     |
| Salaries and Wages                      | 112,000.00          |
| Other Expenses                          | 15,236.00           |
| Department of Public Works:             |                     |
| Other Expenses                          | 1,358,929.00        |
|   | <u>1,771,793.00</u> |

**Public and Private Programs Offset by Revenues**

|  |                   |
|--|-------------------|
| Municipal Alliance Program - County Funds              | 3,836.33          |
| Municipal Alliance Program - Matching Funds            | 959.08            |
| Body Armor - State Share                               | 1,444.14          |
| Gateway BMED Fund - Wellness Program                   | 5,000.00          |
| County of Bergen - Open Space                          | 77,340.00         |
| NJDCA - Local Recreation Improvement Grant             | 40,000.00         |
| Law & Public Safety - Body Cameras                     | 30,570.00         |
| Bergen County Municipal JIF - Safety Incentive Program | 1,000.00          |
|  | <u>160,149.55</u> |

**Capital Improvements Excluded from "CAPS"**

|  |                        |
|--|------------------------|
| Capital Improvement Fund                         | 100,000.00             |
| Purchase of Furniture and Equipment              | 15,000.00              |
| Purchase of Speed Limit Signs                    | 15,000.00              |
| Demolition of Municipal Owned Property           | 50,000.00              |
| Various Equipment - Police                       | 7,500.00               |
| Various Improvements - Uniform Construction Code | 20,000.00              |
| Various Improvements - Recreation                | 50,000.00              |
|  | <u>257,500.00</u>      |
|  | <u>\$12,774,058.24</u> |

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

**68-2022 Appropriation Reserve Transfers**

**WHEREAS**, certain transfer of funds for 2021 budget appropriation reserves are necessary to cover anticipated expenditures; and

**WHEREAS**, N.J.S.A. 40A:4-59 provides for transfers from appropriation reserves with an excess over and above the amount deemed to be necessary to fulfill the purpose for such appropriation reserves, to those appropriation reserves deemed to be insufficient;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale, that the transfer be made between the 2021 budget appropriation reserves as follows:

|   | <b><u>FROM</u></b> | <b><u>TO</u></b>  |
|---|--------------------|-------------------|
| <b><u>CURRENT FUND</u></b>                |                    |                   |
| <b><u>GENERAL APPROPRIATIONS</u></b>      |                    |                   |
| Operations - within "CAPS"                |                    |                   |
| Mayor and Council:                        |                    |                   |
| Salaries and Wages                        | \$1,000.00         |                   |
| Mayor and Council:                        |                    |                   |
| Other Expenses                            |                    |                   |
| \$1,000.00                                |                    |                   |
| Public Health Services (Board of Health): |                    |                   |
| Other Expenses                            | 1,000.00           |                   |
| Environmental Commission:                 |                    |                   |
| Other Expenses                            |                    | 1,000.00          |
|   | <u>\$2,000.00</u>  | <u>\$2,000.00</u> |

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

**INTRODUCTION 2022 MUNICIPAL BUDGET: Resolution No. 69-2022**

**BE IT RESOLVED**, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Borough of Montvale, Bergen County, New Jersey for the year 2022.

**BE IT FURTHER RESOLVED**, that the said budget be published in The Bergen Record in the issue of April 3, 2022 and that a hearing on the Budget will be held at the Montvale Municipal Complex, 12 DePiero Drive, Council Chambers, Montvale NJ on April 26, 2022 at 7:30 PM as soon thereafter as the matter may be reached

A motion to Introduce the municipal budget by Councilmember Lane; seconded by Councilmember Roche - a roll call was taken - all ayes

**MINUTES:**

March 8, 2022

A motion to accept the minutes by Councilmember Lane; seconded by Councilmember Roche - all ayes with the exception of and Koelling abstaining

**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.

**70-2022 Authorize Hiring / Part Time on Call / Crossing Guard / Hercules Couvielos**

**WHEREAS**, the Montvale Police Department desires to hire a part-time on call crossing guard in the Borough of Montvale; and,

**WHEREAS**, Hercules Couvielos has met the qualifications for this position, agrees to the terms and conditions of employment; and

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that the above-named individual is hereby appointed to the position of Part-time on Call Crossing Guard, effective March 29, 2022.

**71-2022 Refund Tax Overpayment / Block 802; Lot 9 / 11 Ladik Place**

**WHEREAS**, a resolution authorizing the Borough of Montvale to refund an overpayment of taxes for

Block 802; Lot 7, 11 Ladik Place; and

**WHEREAS**, a duplicate payment was made by the bank resulting in an overpayment in the amount \$2,234.00; 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 Columbia Bank, 19-01 Route 208 North, Fair Lawn, NJ 07410 in the amount of \$2,234.00

**72-2022 A Resolution of the Borough of Montvale Authorizing the Execution of an Agreement with the Pascack Valley Regional High School District Board of Education Concerning the Hiring and Placement of Special Police Officer IIIs at Pascack Hills High School/For the 2022/2023 School Year**

**WHEREAS**, the State of New Jersey has created a new class of Special Police Officers known as Special Police Officer III (SLEOIII) specifically and solely for the purpose of school security as outlined in NJSA 40A:14-146.10, 40A:14-146.11, 40A:14-146.14, and 40A:14-146.16; and

**WHEREAS**, the Borough of Montvale (the "Borough") and the Pascack Valley Regional School District (the "District") Board of Education (the "Board") agree that having security personnel that are police officers and specifically trained for school security is a best practice for the safety and security of the students and staff at Pascack Hills High School; and

**WHEREAS**, the Borough and the Board agree that school security is of the utmost importance to create a safe learning environment for students; and

**WHEREAS**, the Borough and the Board desire to enter into an agreement concerning the hiring by the Borough and placement of SLEO IIIs in Pascack Hills High School; and

**WHEREAS**, the Borough and the Board have negotiated an agreement concerning same that is acceptable to the Chief of Police, a copy of which is on file with the Municipal Clerk.

**NOW, THEREFORE, BE IT RESOLVED** that the agreement entitled "AGREEMENT CONCERNING THE HIRING AND PLACEMENT OF SPECIAL POLICE OFFICER IIS IN PASCACK HILLS HIGH SCHOOL BY AND BETWEEN THE BOROUGH OF MONTVALE AND PASCACK VALLEY REGIONAL SCHOOL DISTRICT" FOR THE YEAR 2022/2023 is hereby approved, and the Mayor and Borough Clerk are hereby authorized to execute same in substantially the form negotiated, subject to approval as to form by the Borough Attorney; and

**BE IT FURTHER RESOLVED** that the Mayor, Borough Clerk, and all other appropriate officials are hereby authorized and empowered to take all steps necessary and appropriate to effectuate the purposes of this Resolution.

**73-2022 Award Professional Service Contract /Engineering Services /2022 Bergen County Municipal Park Improvement Grant Application/Memorial Field Playground Surface Improvements**

**WHEREAS**, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide professional services to prepared a declaration of Intent To apply and all other related requirements for the submission of the 2022 Bergen County Municipal Program Park Improvement Grant Application for the Memorial Field Playground Surface Improvements and Playground Accessibility within Montvale, NJ; and

**WHEREAS**, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

**WHEREAS**, Colliers Engineering & Design, 400 Valley Road, Mt. Arlington, NJ 07856 has submitted a proposal dated February 23, 2022 to provide the engineering services for services which are detailed and attached to the original of this resolution, and

**WHEREAS**, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

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

- 1) That the proposal for the scope of engineering services is attached to this resolution which is made part of this resolution shall be awarded to Colliers Engineering & Design.
- 2) That the following be provided: Preparation of the grant application to Bergen County Municipal Park Improvement
- 3) The cost not to exceed shall be \$5,000.00 The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be published an official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Municipal Clerk, Municipal Complex, 12 Mercedes Drive, Montvale, NJ 07645.

**74-2022 Award Professional Service Contract /Engineering Services /Design & Bidding/Construction Observation Services/ Memorial Drive/Baseball/Softball Field Improvements/Colliers Engineering & Design**

**WHEREAS**, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide professional services to design, construction observation services and bidding services for Improvements to Memorial Baseball/Softball Fields in conjunction with Montvale Athletic League; and

**WHEREAS**, at the Mayor & Council Meeting of March 8, 2022 this proposal was approved by the governing body; and

**WHEREAS**, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

**WHEREAS**, Colliers Engineering & Design, 200 Valley Road, Suite 400, Mt. Arlington, NJ 07856 has submitted a proposal dated March 3, 2022 to provide the engineering services for services which are detailed and attached to the original of this resolution, and

**WHEREAS**, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

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

- 1) That the proposal for the scope of engineering services is attached to this resolution which is made part of this resolution shall be awarded to Colliers Engineering & Design.
- 2) That the following be provided: design, construction observation services and bidding services for Improvements to Memorial Baseball/Softball Fields.
- 3) The cost not to exceed shall be \$13,000.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

**WHEREAS**, the payment of these funds is available.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be published an official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Municipal Clerk, Municipal Complex, 12 Mercedes Drive, Montvale, NJ 07645.

**75-2022 A Resolution Awarding a Contract to Colonnelli Brothers, Inc. for the Emergency Sanitary Sewer Repairs (Open-Ended) Contract**

**WHEREAS**, the Borough of Montvale has a need for services in connection with the Montvale Emergency Sanitary Sewer Repairs (Open-Ended) Contract; and

**WHEREAS**, consistent with the New Jersey Local Public Contract Law, N.J.S.A. 40A:11-1, et seq., the Borough of Montvale did publicly solicit bids for said project under the title "Emergency Sanitary Sewer Repairs (Open-Ended)" with bids due on March 15, 2022; and

**WHEREAS**, said solicitation requested bids for an estimated Base Bid; and

**WHEREAS**, the contract is for two (2) years, with two (2) mutual option years; and

**WHEREAS**, in response to said solicitation, three (3) bids were received; and

**WHEREAS**, the lowest bid for the estimated Base Bid was submitted by Colonnelli Brothers, Inc. in the total estimated amount of \$199,520.10; and

**WHEREAS**, the estimated bid amount was used for bid comparison purposes, and no minimum amount of work is guaranteed; and

**WHEREAS**, the final amount of the contract shall be adjusted based on the actual quantities needed; and

**WHEREAS**, said bid was within the Engineer's estimate for this work; and

**WHEREAS**, the offices of the Borough Engineer and Borough Attorney have reviewed this bid and have deemed it responsive to the bid specifications; and

**WHEREAS**, the Borough's Chief Financial Officer has certified that funds have been appropriated and are available for this purpose, which certification shall be updated as future work is ordered under this contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale, that a contract for the above-referenced project shall be awarded as follows:

|                              |                          |              |
|------------------------------|--------------------------|--------------|
| <b>Bidder</b>                | <b>In the amount of:</b> |              |
| Colonnelli Brothers, Inc.    | Estimated                | \$199,520.10 |
| 409 S. River Street          | Minimum                  | \$0.00       |
| Hackensack, New Jersey 07601 |                          |              |

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute all documents and to take all steps reasonably necessary to effectuate the purposes of this Resolution, subject to approval by the Borough Engineer and Attorney.

**76-2022 A Resolution Awarding a Contract to American Asphalt & Trucking, LLC for the Emergency Roadway Repairs (Open-Ended) Contract**

**WHEREAS**, the Borough of Montvale has a need for services in connection with the Montvale Emergency Roadway Repairs (Open-Ended) Contract; and

**WHEREAS**, consistent with the New Jersey Local Public Contract Law, N.J.S.A. 40A:11-1, et seq., the Borough of Montvale did publicly solicit bids for said project under the title "Emergency Roadway Repairs (Open-Ended)" with bids due on March 15, 2022; and

**WHEREAS**, said solicitation requested bids for an estimated Base Bid; and

**WHEREAS**, the contract is for two (2) years, with two (2) mutual option years; and

**WHEREAS**, in response to said solicitation, six (6) bids were received; and

**WHEREAS**, the lowest bid for the estimated Base Bid was submitted by American Asphalt & Trucking, LLC in the total estimated amount of \$70,200.00; and

**WHEREAS**, the estimated bid amount was used for bid comparison purposes, and no minimum amount of work is guaranteed; and

**WHEREAS**, the final amount of the contract shall be adjusted based on the actual quantities needed; and

**WHEREAS**, said bid was within the Engineer's estimate for this work; and

**WHEREAS**, the offices of the Borough Engineer and Borough Attorney have reviewed this bid and have deemed it responsive to the bid specifications; and

**WHEREAS**, the Borough's Chief Financial Officer has certified that funds have been appropriated and are available for this purpose, which certification shall be updated as future work is ordered under this contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale, that a contract for the above-referenced project shall be awarded as follows:

| <b>Bidder</b>                    | <b>In the amount of:</b> |             |
|----------------------------------|--------------------------|-------------|
| American Asphalt & Trucking, LLC | Estimated                | \$70,200.00 |
| 818 Summer Avenue                | Minimum                  | \$0.00      |
| Newark, New Jersey 07104         |                          |             |

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute all documents and to take all steps reasonably necessary to effectuate the purposes of this Resolution, subject to approval by the Borough Engineer and Attorney.

**77-2022 A Resolution Awarding a Contract to American Asphalt & Trucking, LLC for the NJDOT FY2021 – Various Streets Improvements Program in the Borough of Montvale**

**WHEREAS**, the Borough of Montvale has a need to procure construction services for the NJDOT FY2021 – Various Streets Improvements Program in the Borough; and

**WHEREAS**, the Borough of Montvale, in accordance with the laws of the State of New Jersey, publicly advertised for the receipt of bids under specifications for the NJDOT FY2021 – Various Streets Improvements Program; and

**WHEREAS**, ten (10) bids were received on March 18, 2022; and

**WHEREAS**, after receipt and review of the three (3) lowest bids received, the Borough of Montvale has determined that American Asphalt & Trucking, LLC is the lowest responsible bidder for this contract; 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 RESOLVED** by the Mayor and Council of the Borough of Montvale that a contract is hereby awarded as follows:

**Contractor**

American Asphalt & Trucking, LLC  
818 Summer Avenue  
Newark, New Jersey 07104

**Contract Amount**

Base: \$185,564.87

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute all documents necessary to effectuate the purposes of this Resolution, consistent with the Borough's bid specifications and applicable law, subject to approval as to form by the Borough Attorney.

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

**78-2022 A Resolution Amending the Contract with Tyco Animal Control Service to Increase Geese Control Services**

**WHEREAS**, the Borough of Montvale did previously contract with Tyco Animal Control Service, 1 Stout Lane, Ho-Ho-Kus New Jersey, for certain Animal Control Services for 2022 for the total annual sum of \$11,040; and

**WHEREAS**, the contract with Tyco included Geese Control on Monday through Friday; and

**WHEREAS**, a separate vendor previously provided Geese Control Services on Saturdays and Sundays, which vendor has been terminated by the Borough; and

**WHEREAS**, it is necessary for the Borough to engage a vendor to provide Geese Control Services on Saturdays and Sundays in order to ensure that the Borough's parks and fields are kept as free from geese as possible to protect the health, safety and welfare of the public; and

**WHEREAS**, Tyco has submitted a proposal to the Borough to add Geese Control Services on Saturdays and Sundays at a price of \$400 per month, which the Board of Health has determined is reasonable; and

**WHEREAS**, the Borough is therefore desirous of amending its contract with Tyco to add Geese Control Services on Saturdays and Sundays; and

**WHEREAS**, the Borough's Chief Financial Officer has certified that funds have been appropriated and are available for this purpose.

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

1. The Contract between the Borough and Tyco Animal Control Service for 2022 is hereby amended to add Geese Control Services at a cost of \$400 per month, commencing April 1, 2022.
2. Tyco shall provide verification to the Borough and/or Board of Health of its performance of Geese Control Services on Saturdays and Sundays.
3. The Mayor and Borough Clerk are hereby directed, authorized and empowered to execute an amended contract with Tyco and to take all steps reasonably necessary to

effectuate the purposes and provisions of this resolution, subject to approval as to form by the Borough Attorney.

Introduced by: Councilmember Lane; seconded by Councilmember Roche - a roll call was taken - all ayes with the exception of Councilmember Roche abstaining

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

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

**ENGINEER'S REPORT:**

Andrew Hipolit

Report/Update

Tonight awarded emergency service contracts for road and sewer repairs, in addition a contract was awarded for NJDOT project to pave Craig Road; the 2021 road paving program will start in early April.

**ATTORNEY REPORT:**

Joe Voytus, Esq.

Report/Update

No Report

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

- a. Request For EID/Celebration/Memorial Park/Memorial Drive/Date Requested/Options 5/14, 5/15, 5/21 or 5/22/Request Waiver of Fees/Permits/Board of Health/Fire Prevention/Event Fee

The clerk stated the request is to have a celebration for Eid al-Fitr (Ramadan) at Memorial Drive. It would consist of several food trucks, an ice cream truck, selling of merchandise. Mayor Ghassali previously stated that the permit fees can be waived. The event will take place on May 21 from 1-6pm – rain date will be May 28<sup>th</sup>.

A motion to waive the fees by Councilmember Lane; seconded by Councilmember Cudequest – 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.



A motion to open meeting to the public by Councilmember Cudequest; seconded by Councilmember Roche – all ayes

Carolee Adams

Montvale Church will be having an Easter Eggstravaganza on Saturday, April 16<sup>th</sup> at 10am; mentioned at Suez has merged with another French company Veolia, the customers were not notified beforehand of this merger. There were no public hearings about this.

A motion to close meeting to the public by Councilmember Cudequest; seconded by Councilmember Roche – all ayes

**ADJOURNMENT:**

Motion to adjourn by Councilmember Cudequest; seconded by Councilmember Roche – all ayes

Meeting adjourned at 8:12pm

**ADJOURNMENT:**

The next Regular Meeting of the Mayor & Council will be held on April 12, 2022 at 7:30 p.m. in person.

Public Hearing for the 2022 Municipal Budget will be held on April 26, 2022/Budget Presentation

**\*\*\*\*\*Disclaimer\*\*\*\*\* Subject to Additions And/or Deletions**

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