

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was 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, Dave Lafferty; Administrator, Joe Voytus; Municipal Clerk, Fran Scordo and Deputy Clerk, Carol Manhart

ROLL CALL:

Councilmember Arendacs

Councilmember Lane

Councilmember Cudequest

Councilmember Roche - absent

Councilmember Koelling

Councilmember Russo-Vogelsang

SWEARING IN OF MUNICIPAL CLERK

Frances Scordo

POLICE CHIEF DOUG MCDOWELL – QUARTERLY UPDATE

Would like to bring back some past events, bowling with a cop, touch a truck and Jr. Police academy. Impaired driving event at Pascack Hills in May. Snow tubing at Campgaw with Woodcliff Lake Police was successful. Received a grant for distracted driving. Officers are out enforcing speeding complaints, parking complaints; written test for the lieutenant's promotion will be in May; now have officers assigned to traffic issues, please email traffic@montvaleboro.org. County did a speed study on Grand Ave between Spring Valley Road and Chestnut Ridge Road and recommends lowering the speed limit to 40mph. The report stated there were 125 car accidents in that area. Town wide reverse 911 emergency notification system was changed from Swift911 to Smart911; anyone can sign up for notifications on road closures and/or emergencies; go to website for more information.

Councilmember Koelling mentioned that if you call 911 on your cell phone, it may bounce to a Rockland County dispatcher, please let them know you are in Montvale. It was also mentioned about the increased in shop lifting at the Shoppes at DePiero. Chief McDowell ensured that more officers are patrolling the area.

Councilmember Lane asked about the catalytic converter thefts, Chief McDowell stated, Montvale had about 2 incidents. It is on later model cars.

ORDINANCES:

INTRODUCTION OF ORDINANCE NO. 2023-1531 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 170 OF THE BOROUGH CODE TO INCREASE THE BUILDING SUBCODE FEES FOR NEW CONSTRUCTION AND ADDITIONS TO EXISTING STRUCTURES

(public hearing 3-28-23)

A motion to Introduce Ordinance No. **2023-1531** for first reading was made by Councilmember Cudequest; 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 Cudequest - 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 Cudequest – all ayes

Carolee Adams via email stated that in regards to changing of the council meeting dates that it is imperative that our council meetings do not conflict with the meetings of the BOE.

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

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

February 28, 2023

A motion to accept minutes by Councilmember Lane; seconded by Councilmember Cudequest - all ayes

CLOSED/EXECUTIVE MINUTES:

February 28, 2023

A motion to accept closed minutes by Councilmember Lane; seconded by Councilmember Cudequest - all ayes

RESOLUTIONS: (CONSENT AGENDA*)

*All items listed on a consent agenda are considered to be routine and non-controversial by the Borough Council and will be approved by a motion, seconded and a roll call vote. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

77-2023 A Resolution Approving a Contract with Chief of Police Douglas McDowell

WHEREAS, Chief of Police, Douglas McDowell has requested that the Borough provide him with a contract concerning his employment with the Borough of Montvale effective as of January 1, 2023 through December 31, 2023; and

WHEREAS, the Police Committee has engaged in negotiations with the Chief and has recommended execution of a contract that has been provided to the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Administrator are hereby authorized and empowered to execute the contract with the Chief of Police, subject to approval as to form by the Borough Attorney.

78-2023 Authorize Appointing Heather McGee as Executive Assistant to the Police Chief and Coordinator of Off-Duty Details

WHEREAS, Heather McGee meets the qualifications for the position of Executive Assistant to the Police Chief and Coordinator of Off-Duty Details and agrees to the terms and conditions of employment; and

NOW THEREFORE, BE IT RESOLEVED, 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 above position effective January 1, 2023.

79-2023 Borough of Montvale Fire Department LOSAP Eligible Individuals

WHEREAS, The Borough of Montvale, has adopted a LOSAP program for the members of the Montvale Fire Department; and

WHEREAS, to be eligible for the annual \$1,350.00 stipend for 2022, totaling \$21,600 for the Department, the Montvale Fire Department must meet certain criteria; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the Borough Treasurer initiate LOSAP payments in the name of those Fire Department members deemed eligible to receive them.

80-2023 A Resolution Requesting Permission For The Dedication By Rider For Abandoned & Vacant Property Code Enforcement Required By N.J.S.A. 40:48-2.12s

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40:48-2.12s provides for receipt of funds by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Abandoned & Vacant Property Code Enforcement are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Montvale, in the County of Bergen, State of New Jersey, as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Abandoned & Vacant Property Code Enforcement pursuant to *N.J.S.A. 40:48-2.12s*.
2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

81-2023 Temporary Appropriations For Operating Purposes

WHEREAS, *N.J.S.A. 40A:4-20* provides that, in addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the governing body may make temporary emergency appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for the current fiscal year and the date of the adoption of the budget for the current fiscal year; and

WHEREAS, the amount of such emergency temporary appropriations shall be included under corresponding headings in the budget as adopted or, if such appropriations are adopted after the introduction and approval of the budget and were not included in the budget as approved, such appropriations shall be included by an amendment in the budget as adopted without public advertisement or public hearing; and

WHEREAS, the Borough has deemed certain emergency temporary appropriations necessary, and such appropriations conform to the provisions of *N.J.S.A. 40A:4-20*.

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that pursuant to *N.J.S.A. 40A:4-20*, an emergency temporary appropriation be, and the same is hereby made for:

Current Fund: \$ 1,718,020

BE IT FURTHER RESOLVED that the said temporary emergency appropriations will be provided for in the 2023 Budget under the title of same.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby directed to file a certified copy of the resolution with the Director of the Division of Local Government Services.

82-2023 A Resolution Authorizing The Execution Of A Developer's Agreement Between The Borough Of Montvale And Nouvelle, Llc For The Construction Of Six Units Of Affordable Housing Dedicated To Disabled Veterans At Block 1601, Lot 7 (26 N. Kinderkamack Road) In The Borough Of Montvale

WHEREAS, the Borough of Montvale ("Borough") is the owner of real property identified as Block 1601, Lot 7 on the official Tax Map of the Borough (the "Property"); and

WHEREAS, the Borough is desirous of addressing its Fourth Round obligation to provide for the construction of affordable housing within the Borough pursuant to Southern Burlington County N.A.A.C.P v. Borough of Mount Laurel, , the New Jersey Fair Housing Act and the New Jersey Constitution; and

WHEREAS, N.J.S.A. 40A:12-21(L) authorizes a private sale of property by a municipality for nominal consideration to a duly organized Urban Renewal Corporation for the purpose of constructing housing for low or moderate income persons or families or persons with disabilities; and

WHEREAS, it is contemplated that the Borough of Montvale will transfer ownership of the Property to the developer and that the developer will construct, manage and operate the development, as provided for in the Developer's Agreement; and

WHEREAS, the Borough has determined that the proposal by Nouvelle, LLC, 610 Anderson Avenue, Cliffside Park, New Jersey 07010, for the construction of up to six (6) units at the Property is in the best interest of the Borough of Montvale and that Nouvelle, LLC possesses the requisite professional expertise and experience; and

WHEREAS, The Borough of Montvale is desirous of entering into an Agreement with Nouvelle, LLC for the design, construction and administration of the 100% affordable housing developments for disabled head of the household veterans within the Borough;

NOW, THEREFORE, BE IT RESOLVED, the Governing Body of the Borough of Montvale, County of Bergen, in the State of New Jersey authorizes and approves a Developer's Agreement by and between the Borough of Montvale and Nouvelle, LLC in the form attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED, that the Mayor and other Borough Officials are hereby authorized to execute the Developer's Agreement and take any other action necessary to implement same.

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

83-2023 Authorizing Expenditure/ Montvale Home Improvement Program

WHEREAS, Community Grants, Planning & Housing (CGP&H) provides Administrative Agent Services to the Borough of Montvale and serves as the Administrator of the Borough's Home Improvement Program; and,

WHEREAS, CGP&H has conducted the procurement process on behalf of the Borough of Montvale, pursuant to the duties and responsibilities outlined in their Professional Services Contract, for certain improvements in connection with the Borough of Montvale Home Improvement Program Case No. MTVA-2103-R, located at 41 Marion Road, Montvale, NJ 07645, Block 805, Lot 28 of the tax map of the Borough of Montvale; and,

WHEREAS, the Qualified Purchasing Agent has consented to the recommendation of award issued by CGP&H, and further recommends award by the governing body for tracking and accounts payable purposes.

WHEREAS, the Chief Financial Officer has certified that funds have been appropriated and are available for this purpose in the Borough's Affordable Housing Trust Fund; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey hereby award a contract to Bushka Construction, LLC, located at 26 Wood Street, 2nd Floor, Garfield, NJ 07026 in the amount not to exceed \$18,300 for the project Borough of Montvale Home Improvement Program Case No. MTVA-2103-R located at 41 Marion Road, Montvale, NJ 07645, Block 805, Lot 28 of the tax map of the Borough of Montvale.

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

84-2023 A Resolution Authorizing Change Order #3 to the Contract with DTS Trucking for the Restoration of Huff Pond Project

WHEREAS, by Resolution No. 215-2020, the Borough of Montvale awarded a contract to DTS Trucking for the Restoration of Huff Pond Project; and

WHEREAS, the contract was previously amended by two change orders; and
WHEREAS, prior to the completion of the work under that contract, much of the Huff Pond area was damaged and/or destroyed by Hurricane Ida and other severe weather events; and
WHEREAS, said damage has necessitated a change order to the contract to amend the scope of work necessary to complete the rehabilitation of Huff Pond and the surrounding area and to hopefully prevent future erosion of the area due to severe weather events; and
WHEREAS, DTS submitted a proposal dated February 18, 2023, with a proposed final scope of work as follows:

NEW:

Live Stake Supply and Install – Pascack Brook & Huff Pond	\$ 9,850.00
Sediment Removal from Huff Pond & Cleaning of the Inlet and Outlet	\$14,750.00
Tracking Pad/Construction Access	\$ 2,000.00
<u>Access Road / Lawn Repair</u>	<u>\$ 4,735.00</u>
TOTAL	\$31,335.00

REMAINING FROM CONTRACT:

DEP Planting as per contract	\$ 7,500.00
<u>Additional plantings around the pond area</u>	<u>\$26,975.00</u>
TOTAL	\$34,475.00

WHEREAS, all other uncompleted work in the original scope of work shall be removed from the contract as amended by the proposed change order; and
WHEREAS, the Borough Engineer has recommended the approval of Change Order #3 for this contract, a copy of which is attached hereto; and
WHEREAS, the previous contract price, as amended by Change Orders #1 and #2, was \$269,404.05; and
WHEREAS, the amended contract price after approval of this change order is \$285,489.05, an increase of \$16,085.00 from the current contract price; and
WHEREAS, all of the funds for this work have been previously appropriated and/or bonded for by the Borough; and
WHEREAS, the 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 that Change Order #3 attached hereto dated March 14, 2023, prepared by the Borough Engineer is hereby approved.

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

BILLS: Administrator read the Bill Report.

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

REPORT OF REVENUE: Administrator read the Report of Revenue – February

COMMITTEE REPORTS:

Council President Arendacs

DPW

Ongoing general maintenance, cleaning the parks, pot holes and street sweeping.

Engineering

Summit Ave, from Spring Valley to the NY border, bids will be received in the Spring for road paving. Passed resolution to stabilize Huff Pond due to the destruction of Hurricane Ida. Bocce ball court modifications will happen in the Spring.

Councilmember Koelling

Police

Monthly report included in original minutes.

Councilmember Russo-Vogelsang

Seniors

Will have their St. Patrick's Day luncheon on Thursday, March 16

Local BOE

Character Education assembly, Read Across America, 3 R's day (respect, reflect and remember). Regional choral concert from Fieldstone Middle school held at Pascack Hills, Woodcliff Middle school also performed.

Councilmember Cudequest

Library

Continues to have a full pack of events for adults and children, please go to the website for more information. Friends of the Library are having an ongoing book sale. The library will be offering "things" for circulation such as knitting needles, puzzles, music instruments and board games. Preparing for their 20 anniversary in this location. Renovations to the reading garden will begin this spring, along with painting and replacing the carpet. Summer concert series is planned and also art displays.

Board of Health

At the meeting of March 6, a member of the HARP program spoke about a memory program that will be held at Thrive and to our seniors. President Cohen is looking for an alternate member to join the board. In addition Janet Russo, the board secretary is retiring on June 1st. Due to multiple calls from various establishments, President Cohen suggested to have 1 contact person at borough hall screen the calls.

TV access

New interviews have been released on My Montvale and Montvale in Motion

Councilmember Lane

Fire Department

19 fires, 3 drills, 6 work details and 1 meeting; one of the drills was on solar panels; the roof had some leaking issues which a repair has been made.

Finance

Just about wrapping up on the budget. The introduction will be on March 28 and the public hearing will be on April 25. Want to thank all involved including the staff and councilmembers

COAH

Met with committee members last week, overall we are meeting our obligations

MAYOR

March 18th is the Ramadan Celebration at the center of town; April 22nd is clean-up day; had a roundtable with about 10 local businesses including KPMG, Memorial Sloan, Sharp and Benjamin Moore. The trend is the same here with employees working a hybrid schedule, 3 days in the office. Will be meeting with

Veolia regarding the water tower in the next week or so. The borough administrator will look into a designated borough employee to handle Board of Health concerns for the time being.

ENGINEER'S REPORT:

Andrew Hipolit - absent
Report/Update

ATTORNEY REPORT:

David Lafferty, Esq.
Report/Update
No Report

UNFINISHED BUSINESS:

- a. Draft Resolution – Bergen County Recommendation to Change Speed Limit on a portion of Grand Ave

85-2023 A Resolution Supporting the County of Bergen's Recommendation to Decrease the Speed Limit on Grand Avenue Between Spring Valley Road and Chestnut Ridge Road to 40 MPH

WHEREAS, as a result of a series of accidents on Grand Avenue, the County of Bergen conducted a Speed Limit Evaluation for Grand Avenue between Pascack Road and Chestnut Ridge Road; and

WHEREAS, said investigation resulted in a recommendation from the County to decrease the speed limit on Grand Avenue between Spring Valley Road and Chestnut Ridge Road to 40 mph, down from the current 45 mph; and

WHEREAS, the Borough Council has discussed this matter with its Engineer and Police Chief and concurs with the recommendation of the County; and

WHEREAS, the County of Bergen has requested written confirmation and an endorsing resolution from the Borough in order to alter the speed limit as outlined above.

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

1. The Borough of Montvale does hereby endorse and express its support for the County of Bergen's plan to lower the speed limit on Grand Avenue between Spring Valley Road and Chestnut Ridge Road to 40 mph.
2. A copy of this Resolution shall be sent to the County of Bergen by the Borough Clerk.

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

- b. Update Fire Department Roof

Councilmember Lane mentioned that repairs have been made to the roof. They have an additional proposal for another section of the roof for \$6,000. Councilmembers all agreed to do the additional repair.

- c. Discussion – Changing of Council Meeting Dates

Mayor Ghassali asked councilmembers to change the first meeting of the month from Tuesday to Thursday due to a conflict with the Mayor's schedule. Councilmembers agreed to change the dates. A resolution authorizing the change will be on for next meeting.

NEW BUSINESS:

- a. Grand Ave – PSEG Project

The administrator stated that a pre-construction meeting is scheduled this Thursday; scope of work right now will be drilling of test holes to see where the new main will be. The work will be from Spring Valley to the New York border. The work will be for about 3 months.

ADMINISTRATOR REPORT:

The EMS study is underway. Received 4 RFQ's for the Prosecutor position, our current prosecutor took a job as a compensation judge. In the process of order material for the patio outside of the library. Borough hall hours will be changing starting April 3rd hours will be posted to the website. Had an idea about a town sponsored art competition with different categories like photography, visual art, digital or poetry or written essays with a theme of "what Montvale means to you". Get the community involved. Work with special events committee or the library or the schools.

COMMUNICATION CORRESPONDENCE:

Bergen County Mosquito Control requesting permission to conduct aerial spraying. Councilmembers all agreed

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 Cudequest
- all ayes

No public comment

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

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

Meeting was adjourned at 8:35pm

Regular Workshop Meeting of the Mayor & Council to be held at 7:30pm on March 28, 2023

Budget Introduction will be held on March 28th, 2023

Public Hearing Presentation and Adoption of Municipal Budget will be held on April 28th, 2023 at 7:30pm

*******Disclaimer***** Subject to Additions And/Or Deletions**

Respectfully submitted, Frances Scordo, Municipal Clerk