

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held in Council Chambers and called to order at 7:31PM. 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: Borough Attorney, Dave Lafferty; Administrator, Joe Voytus; Borough Engineer, Andy Hipolit; Municipal Clerk, Fran Scordo and Deputy Clerk, Carol Manhart

ROLL CALL:

Councilmember Arendacs
Councilmember Cudequest
Councilmember Koelling

Councilmember Lane - absent
Councilmember Roche
Councilmember Russo-Vogelsang

ORDINANCES:**PUBLIC HEARING OF ORDINANCE NO. 2023-1541 ORDINANCE APPROPRIATING \$40,000 FROM THE CAPITAL IMPROVEMENT FUND TO FUND THE PROCUREMENT OF MUNICIPAL MANAGEMENT HARDWARE AND SOFTWARE FOR THE BOROUGH OF MONTVALE**

BE IT ORDAINED by the Mayor and Council of the Borough of Montvale, in the County of Bergen, New Jersey, as follows:

SECTION 1. \$40,000 from the Capital Improvement Fund is hereby appropriated to fund the procurement of municipal management hardware and software for the Borough of Montvale.

SECTION 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

A motion Introduced for second reading **Ordinance No. 2023-1541** by Councilmember Cudequest; seconded by Councilmember Koelling; Clerk read by title only.

Motion to open meeting to public by Councilmember Russo-Vogelsang; seconded by Councilmember Cudequest - all ayes

No Public Comment

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

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

INTRODUCTION OF ORDINANCE NO. 2023-1542 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 385 OF THE BOROUGH CODE TO DESIGNATE TWO STOP INTERSECTIONS AND REMOVE ONE YIELD INTERSECTION (public hearing 9-14-23)

A motion to Introduce Ordinance **2023-1542** for first reading was made by Councilmember Cudequest; seconded by Councilmember Roche; Clerk read by title only; Councilmember Roche 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

Councilmember Cudequest mentioned that the signs are already up. The borough engineer Stated that their have been multiple accidents traveling southbound on Kinderkamack Road just passed Magnolia. A brief discussion between the County and Montvale it was decided that a barrier is warranted.

MEETING OPEN TO PUBLIC:

Agenda Items Only

Motion to open meeting to the public by Councilmember Cudequest; seconded by Councilmember Russo-Vogelsang – all ayes

No Public Comment

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

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

July 25, 2023

A motion to accept minutes by Councilmember Cudequest; seconded by Councilmember Koelling - all ayes with the exception of Councilmembers Arendacs, Roche and Russo-Vogelsang abstaining

CLOSED/EXECUTIVE MINUTES:

None

RESOLUTIONS:

171-2023 Refund Overpayment of Taxes - Due to Veteran Exempt Status – Jeffrey Auer

WHEREAS, a resolution authorizing the Borough of Montvale to refund the following overpayment of taxes; and

WHEREAS, the owner of 26 Cottage Ave., Jeffrey Auer, is totally exempt from taxes due to his Veteran status; and

WHEREAS, Mr. Auer's mortgage company made a payment in error, which resulted in an overpayment of taxes in the amount of \$2,677.52; 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 in the amount of \$2,677.52 to Jeffrey Auer, 26 Cottage Ave., Montvale, NJ 07645

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

172-2023 Refund Overpayment of Taxes - Due to Veteran Exempt Status – Stephen Domenick

WHEREAS, a resolution authorizing the Borough of Montvale to refund the following overpayment of taxes; and

WHEREAS, the owner of 59 Pennsylvania Ave., Stephen Domenick, is totally exempt from taxes due to his Veteran status; and

WHEREAS, Mr. Domenick's mortgage company made a payment in error, which resulted in an overpayment of taxes in the amount of \$2,531.10; 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 in the amount of \$2,531.10 to Stephen Domenick, 59 Pennsylvania Ave., Montvale, NJ 07645

Introduced by: Councilmember Cudequest; seconded by Councilmember Russo-Vogelsang - a roll call vote was taken - all ayes with the exception of Councilmember Koelling abstaining

RESOLUTIONS: (CONSENT AGENDA*)

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

173-2023 A Resolution Authorizing the Transfer of Montvale's Public Assistance Program to the Bergen County Board of Social Services Effective September 6, 2023

WHEREAS, the State of New Jersey funds a Public Assistance Program which is administered at the local level in Montvale by the Local Assistance Board and the Director of Public Assistance pursuant to N.J.S.A. 44:8-107, et seq.; and

WHEREAS, the Borough has investigated the feasibility of transferring Montvale's Public Assistance Program to the Bergen County Board of Social Services for administration; and

WHEREAS, pursuant to N.J.S.A. 44:8-145.1, Montvale may, by mutual agreement with Bergen County, transfer to the Bergen County Board of Social Services the financial and operational responsibility for the administration of the Public Assistance Program under N.J.S.A. 44:8-107, et seq. to Montvale residents; and

WHEREAS, in the event of a transfer, also pursuant to the said statute, the municipal welfare agency is to be abolished and its functions, powers and duties transferred to the Bergen County Board of Social Services no later than the 60th day after the effective date of the transfer; and

WHEREAS, the Mayor and Council find that it is in the best interests of the Borough and its residents to transfer the Public Assistance Program in Montvale to the Bergen County Board of Social Services; and

WHEREAS, there shall be no cost to Montvale, and the effective date of the transfer shall be September 6, 2023, to ensure there is no disruption in services.

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

1. The Mayor, Clerk, Administrator and all other appropriate officials, officers and employees are hereby directed, authorized and empowered to transfer Montvale's Public Assistance Program to the Bergen County Board of Social Services in accordance with the applicable statutes and regulations and this Resolution, the transfer taking effect September 6, 2023, including but not limited to the following:

- a. On or before September 6, 2023, or as soon thereafter as reasonably practicable, Montvale shall send all open cases a letter informing residents that their Public Assistance cases will be administered by the Bergen County Board of Social Services.
 - b. On or before September 6, 2023, or as soon thereafter as reasonably practicable, Montvale shall make appropriate arrangements to transfer the physical files of the open and any pending cases in Montvale to the Bergen County Board of Social Services.
2. The Mayor and Borough Clerk are hereby directed, authorized and empowered to execute any agreement as may be required by law with the Bergen County Board of Social Services necessary to effectuate the transfer as described in this Resolution.
3. The applicable provisions of the Borough Ordinances, if any, shall be amended by ordinance as may be necessary to reflect this transfer of the Public Assistance Program to the Bergen County Board of Social Services.
4. A certified copy of this Resolution shall be forwarded to the Bergen County Board of Social Services and the State of New Jersey, Department of Human Services.

174-2023 Authorize Performance Surety Bond Reduction and Cash Bond Reduction, Toll Brothers, Inc. - Village Springs at Montvale – 2 Paragon Drive – Block 1903, Lot 7

WHEREAS, Toll Brothers, having offices at 250 Gibraltar Road, Horsham, PA 19044 has requested a reduction in both Bond #30090402 Western Surety Company and cash bond for their performance guarantees; and

WHEREAS, in a letter dated July 28, 2023 which is attached to this resolution, Colliers Engineering & Design, takes no exception to the reduction in their performance bonds; and

WHEREAS, as recommended by the Borough Engineer the performance bond shall be reduced by \$81,722.00 and the Cash portion of the bond be reduced by \$8,870.00 and shall be maintained to assure all uncompleted improvements are completed.; and

WHEREAS, total remaining balance \$26,522.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that the Municipal Clerk is hereby authorized to issue the reduction in the performance bonds as stated above for Toll Brothers, 250 Gibraltar Road, Horsham, PA 19044

BE IT FURTHER RESOLVED, Toll Brothers, Inc., Village Springs at Montvale, shall provide the Borough of Montvale with a new surety bond in the amount \$23,681.00 and the Borough Treasurer shall receive a copy of the resolution for the processing.

175-2023 A Resolution Urging the Village of Chestnut Ridge to Update the Area Traffic Study to Accurately Reflect the Impact of the Proposed Warehouse/ Distribution Center Project on Triangle Properties

WHEREAS, Maser Consulting did previously conduct an Area Traffic Study for the Village of Chestnut Ridge dated December 29, 2020, and revised on February 3, 2021, concerning the Red Schoolhouse Road corridor; and

WHEREAS, Red Schoolhouse Road turns into Spring Valley Road at the NJ/NY border, and the traffic on said road has a significant impact on residents of Montvale and the County of Bergen; and

WHEREAS, the Area Traffic Study contained a number of recommendations for roadway improvements necessitated by the anticipated development on the Red Schoolhouse Road corridor; and

WHEREAS, included in that analysis was the assumed use of certain real property known as the "Triangle Properties," for which a retail shopping center of approximately 137,500 square feet was then proposed; and

WHEREAS, the proposed use for the Triangle Properties now consists of a warehouse/distribution center that would generate significant heavy truck traffic along the Red Schoolhouse Road and Spring Valley Road corridor, which would have significant impact on those and other roads in the area as well as on the properties along said roads which include residential uses; and

WHEREAS, the proposed warehouse/ distribution center use at the Triangle Properties would result in traffic patterns and intensity that are quantitatively and qualitatively different from those analyzed in the Area Traffic Study; and

WHEREAS, as a result of this change in the traffic patterns and intensity in this area, it is the position of the Borough of Montvale that the findings and recommendations contained in the Area Traffic Study are no longer valid; and

WHEREAS, the Borough contends that the findings and recommendations of the Area Traffic Study should not be relied upon by the Village of Chestnut Ridge or any other body having jurisdiction over the Triangle Properties project without being updated to include accurate traffic data for the new proposed use of the Triangle Properties.

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

1. The foregoing recitals are incorporated herein as if set forth at length.
2. The Borough of Montvale does formally request that the Village of Chestnut Ridge compel the applicant for the proposed warehouse/ distribution center use at the Triangle Properties to fund an updated Area Traffic Study on behalf of the Village of Chestnut Ridge taking into account the most recent and accurate information concerning the proposed uses of the properties in the Red Schoolhouse Road corridor.
3. The Borough of Montvale does hereby urge the Village of Chestnut Ridge, the Planning Board of the Village of Chestnut Ridge and any other governmental body having jurisdiction to deny and/or withhold any approvals unless and until an updated Area Traffic Study is produced that analyzes the true impact of the proposed development at Triangle Properties upon the Red Schoolhouse Road corridor, the Spring Valley Road corridor, and the properties along said roads.
4. The Borough Clerk is hereby directed to forward a certified copy of this resolution to the Village of Chestnut Ridge and to the Village of Chestnut Ridge Planning Board.

176-2023 A Resolution Awarding a Contract to Atlantic, Tomorrow's Office Pursuant to NJ State Contract 40467 for 60-Month Leases for One (1) IMC6000G Ricoh Color Copier/Printer/Scanner/Fax and One (1) IM5000G Ricoh Black and White Copier/Printer/Scanner/Fax Including the Buyout of the Borough's Current Leases

WHEREAS, the Borough has a need to procure one color copier/printer for use by the administration staff, and one black and white copier/printer for use by the Police Department; and

WHEREAS, the Borough currently has two leases for its existing copiers that expire in March and April of 2024, respectively; and

WHEREAS, the Borough's color copier in particular has become increasingly unreliable, with multiple service visits required due to printer jams and printing errors; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12a and N.J.C.A. 5:34-7.29(c), the Borough may by resolution and without advertising for bids, purchase any goods or services under the State of New

Jersey Cooperative Purchasing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the Borough did solicit quotes from Ricoh USA, Inc. and Atlantic, both under State Contract 40467, for One (1) IMC6000G Ricoh Color Copier/Printer/Scanner/Fax and One (1) IM5000G Ricoh Black and White Copier/Printer/Scanner/Fax; and

WHEREAS, Atlantic submitted a proposal dated August 7, 2023, a copy of which is attached hereto, which consists of a monthly cost of \$670.42 per month, \$104.83 less than that proposed by Ricoh USA; and

WHEREAS, Atlantic's pricing results in savings of \$279.42 per month over the Borough's current costs, and Atlantic will buy out the remaining months on the Borough's existing leases; and

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

NOW THEREFORE BE IT RESOLVED, as follows:

1. The Borough of Montvale does approve the attached Quote from Atlantic, Tomorrow's Office, 400 Broadacres Drive, Bloomfield, New Jersey 07003, for 60-Month Leases for One (1) IMC6000G Ricoh Color Copier/Printer/Scanner/Fax and One (1) IM5000G Ricoh Black and White Copier/Printer/Scanner/Fax.
2. The Mayor, Borough Clerk and/or Borough Administrator are hereby directed, authorized and empowered to execute an agreement with Atlantic, Tomorrow's Office, consistent with this resolution.
3. This resolution shall take effect immediately.

177-2023 A Resolution Awarding a Contract to Dell Marketing, LP for One (1) PowerEdge T550 – 5 YR Server Pursuant to NJ State Contract M0483/19TELE00656

WHEREAS, the Borough has a need to procure One (1) PowerEdge T550 – 5 YR Server for use by the Borough Administration Department to help enhance network security; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12a and N.J.C.A. 5:34-7.29(c), the Borough may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the Borough did solicit a quote from Dell Marketing, LP for this server under State Contract M0483/19TELE00656; and

WHEREAS, Dell Marketing submitted a proposal dated August 1, 2023, a copy of which is attached hereto, in the amount of \$6,460.40; and

WHEREAS, the Borough's IT Consultant has recommended that the Borough award this contract pursuant to the August 1, 2023 Proposal; and

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

NOW THEREFORE BE IT RESOLVED, as follows:

1. The Borough of Montvale does approve the attached Quote from Dell Marketing, LP, One Dell Way, Mail Stop 8129, Round Rock, Texas, 78682, for One (1) PowerEdge T550 – 5 YR Server.
2. The Mayor, Borough Clerk and/or Borough Administrator are hereby directed, authorized and empowered to execute an agreement with Dell Marketing, LP, consistent with this resolution.
3. This resolution shall take effect immediately.

178-2023 A Resolution Awarding a Contract to DLS Contracting for the Montvale 2023 Road Program

WHEREAS, the Borough of Montvale has a need to procure construction services for the 2023 Road 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 Montvale 2023 Road Program; and

WHEREAS, seven (7) bids were received on August 8, 2023; and

WHEREAS, after receipt and review of the three (3) lowest bids received, the Borough of Montvale has determined that DLS Contracting is the lowest responsible bidder for this contract, for the Base Bid plus Alternates "A", "B", "C", and "D"; 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

DLS Contracting, Inc.
36 Montesano Road
Fairfield, New Jersey 07004

Contract Amount

Base:	\$488,152.02
Alternate "A":	\$ 36,850.00
Alternate "B":	\$ 26,055.50
Alternate "C":	\$ 57,936.65
Alternate "D":	<u>\$100,422.50</u>
TOTAL:	\$709,416.67

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 Roche; seconded by Councilmember Cudequest - a roll call vote was taken - all ayes

179-2023 Award Professional Service Contract to Colliers Engineering & Design for Engineering Services Limited Phase II Environmental Site Assessment for Craig Road and Summit Ave, Block 1903, Portion of Lot 3 and 5

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide professional services for conducting a Limited Phase II Assessment of the property located at Summit Ave and Craig Road; 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, Suite 304, Mt. Arlington, NJ 07856 has submitted a detailed proposal of services dated August 8, 2023 to provide the engineering services which is 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: See detailed proposal attached to the original of this resolution dated August 8, 2023

- 3) The cost not to exceed shall be \$53,000.00. 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 DePiero Drive, Montvale, NJ 07645.

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

BILLS: Administrator read the Bill Report.

Motion to pay bills by Councilmember Roche; seconded by Councilmember Russo-Vogelsang - all ayes

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

COMMITTEE REPORTS:

Councilmember Russo-Vogelsang

No report

Councilmember Koelling

Police

Monthly report included in original minutes. Community event “Touch-a-Truck” on Aug 15th from 3-6pm at Memorial Drive;

Planning Board

Montvale Grove was approved.

Councilmember Cudequest

Library

The adults summer reading program has over 100 participants and they are still excepting more; registration continues on August 24th from 7am-5pm; Also on August 24th, the Kootz Band will be performing from 6-7:30pm at the Reading Garden. The children’s summer reading program was completed on August 2nd with a tie-dye event and Uncle Louie G’s Italian Ice truck attended. Library offers e-books and other online material, Canopy is a movie streaming service, it can be used with a valid library card, also available is Hoopladigital.com

TV Access

New interviews in September with Construction Code Official, Chris Gruber and Police Officer Robert Klecha, Borough Attorney, Dave Lafferty and Montvale artist Carol McDonald, she created the Octogan House logo.

Board of Health

Will resume their meeting starting on September 5th

Councilmember Roche

MAL

Working on revamping the background checks, it has been 3 years, they will start to notify people before they expire; revamping the coach selection process. New President is Scott Branchini

Special Events

Day in the Park is scheduled for September 9, rain date September 10

Environmental Commission

They added some boulders along the Memorial trail; continues to work with ERI(Environmental Resource Inventory); looking to update the tree ordinance.

Council President Arendacs

DPW

Status quo; continuing with lawn maintenance and clearing the sewer grates

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

Summit Ave paving project has been completed. It has been reported that there are a few trenches in the road due the water mains that were installed, Veolia will come back in the Spring to fix it. Awarded the contract for the road program which should start in a few weeks; Terkuile Road is under design and will be paved in the Spring.

ATTORNEY REPORT:

David Lafferty, Esq.

Report/Update

Borough closed on the sale of Railroad Ave parking lot

ADMINISTRATOR REPORT:

Joe Voytus

Report/Update

Pickleball courts repairs are underway; the feature on Montvale will be coming out this month in Business View Magazine; kick-off meeting with GovPilot, the first few items that hopefully will be Up and running in a month or so is OPRA and Report a Problem, this will make it easier for residents to go to our website and submit an issue.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

- a. Discussion – Failure to construct or maintain sidewalks

This has been moved to next meeting

COMMUNICATION CORRESPONDENCE:

- a. County of Bergen NJDOT

This letter was to inform the borough that the County has been delayed with their NJDOT projects by Trenton.

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 Roche; seconded by Councilmember Koelling - all ayes

Bob Cicchino, 509 Premier Way

In regards to the proposed project in Chestnut Ridge, NY, he is urging to have a revised traffic study done. The borough administrator mentioned that the next scheduled meeting of the Chestnut Ridge Planning Board meeting is August 28th, we will have a representative from Colliers there.

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

Motion to adjourn Public Meeting by Councilmember Koelling; seconded by Councilmember Cudequest - all ayes

Meeting was adjourned at 8:15pm

Regular Meeting of the Mayor & Council to be held at 7:30pm on Thursday, September 14, 2023

Respectfully submitted, Frances Scordo, Municipal Clerk