

**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: Mayor, Mike Ghassali; Borough Attorney, Dave Lafferty; Borough Engineer, Andy Hipolit Administrator, Joe Voytus; and Borough Clerk, Fran Scordo

ROLL CALL:

Councilmember Arendacs
Councilmember Cudequest
Councilmember Koelling

Councilmember Lane
Councilmember Roche
Councilmember Russo-Vogelsang

MAYOR FOR THE DAY- Austin Levy**POLICE CHIEF – Doug McDowell - Quarterly Update**

Attended and ran some events, 911 ceremony, Jr. Police academy, Day in the Park, Halloween safety at Fieldstone, senior citizen presentation and Veterans wreath ceremony. Some traffic complaints are speeding on Chestnut Ridge Road, Akers Ave and Bayberry. State inspection on Grand Ave, check for car inspections and issued 60 summons. 4,169 summons issued for the year and 806 warnings issued to motorists. 100 warnings were issued for overnight parking, 9 warnings on Akers Ave. 61 total shoplifting cases for the year; 117 car crashes; Received 3 grants totaling \$21,000; Participated in no shave November, the officers that participated donated \$75 for a total of \$1,175 which was donated to an employee at Steins Bagel; No shave was continued into December where over 10 towns are participating to donate to a 4 year old boy with cancer who's father is a Bergen County Sherriff officer totaling \$11,000. Thank you for the continued support of the Mayor and Council

Please send your traffic complaints to traffic@montvaleboro.org

ORDINANCES:

PUBLIC HEARING OF ORDINANCE NO. 2023-1546 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 203 OF THE BOROUGH CODE TO AMEND CERTAIN FIRE PREVENTION FEES

**AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING
CHAPTER 203 OF THE BOROUGH CODE TO AMEND CERTAIN FIRE PREVENTION FEES**

WHEREAS, it is necessary and advisable to periodically review and update fees chargeable by municipal agencies; and

WHEREAS, the fees chargeable by the Bureau of Fire Prevention have not been updated since 2017; and

WHEREAS, it is therefore advisable to update the fees chargeable for annual inspections and registrations in the Borough of Montvale.

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

Section 1. Chapter 203, "Fire Prevention," Section 11, "Fees," subsection E, "Annual inspection fees," shall be amended and supplemented to read as follows:
E. Annual inspection fees.

- (1) Additional locally required annual registration fees are as follows (non-life-hazard):

Residential		
Dwelling Units	Year and Fee (per dwelling unit)	
	2023	2024+
Each unit up to 20	\$55	\$65
Each unit above 20	\$15	\$20

- (2) The above fees shall be applicable to all multiunit dwellings, including, without limitation, apartments, condominiums, and cooperative housing complexes, and all single-unit, non-owner-occupied dwelling units.

Section 2. Chapter 203, "Fire Prevention," Section 11, "Fees," subsection F, shall be amended and supplemented to read as follows:

F. The following annual registration fees for nonresidential buildings and uses as authorized by the New Jersey Uniform Fire Code are as follows:

Business			
Local Code	Area (square feet)	Year and Fee	
		2023	2024+
U1	1,000 or less	\$65	\$80
U1A	1,001 to 2,500	\$115	\$140
U2	2,501 to 5,000	\$185	\$225
U3	5,001 to 10,000	\$365	\$455
U4	10,001 to 50,000	\$730	\$915
U5	50,001 to 100,000	\$1,025	\$1,280
U6	100,001 to 200,000	\$1,400	\$1,750
U7	200,001 to 250,000	\$2,050	\$2,050
U8	250,001 or more	\$2,670	\$3,335

Section 3. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 5. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 6. Effective Date.

This Ordinance shall become effective upon adoption and publication as required by law.

*A motion Introduced for second reading **Ordinance No. 2023-1546** by Councilmember Cudequest; seconded by Councilmember Lane; Clerk read by title only.*

Motion to open meeting to 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 Roche - 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 OF ORDINANCE NO. 2023-1547 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 344 TO ESTABLISH REQUIREMENTS FOR STORAGE AND INFILTRATION FOR RESIDENTIAL DEVELOPMENTS NOT MEETING THE DEFINITION OF "MAJOR DEVELOPMENT"

AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 344 TO ESTABLISH REQUIREMENTS FOR STORAGE AND INFILTRATION FOR RESIDENTIAL DEVELOPMENTS NOT MEETING THE DEFINITION OF "MAJOR DEVELOPMENT"

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

Section 1. Chapter 344 of the Borough Code, entitled "Stormwater Management," is hereby amended and supplemented by adding a new Section 12, "Stormwater management for residential development not meeting definition of 'Major Development,'" as follows:

§344-12 Stormwater management for residential development not meeting definition of "Major Development"

- A. Effective January 1, 2024, for all single-family and two-family residential development not meeting the definition of "Major Development" in this Chapter, an applicant shall be required to design and construct improvements to store and infiltrate 3" of rainfall any time there is an increase in impervious coverage greater than 1.5% of the total lot area. This requirement shall be cumulative, meaning that whenever the aggregate increase in impervious coverage resulting from multiple applications after January 1, 2024, exceeds 1.5% of the total lot area, the storage and infiltration requirements shall apply.
- B. The storage and infiltration requirements in this section may be satisfied through the use of seepage pits, perforated pipe, or other means and methods reasonably acceptable to the Borough Engineer.
- C. The Borough Engineer may waive the requirements of this section should the applicant demonstrate that the installation of the requirement stormwater improvements is impractical or would otherwise impose an undue hardship on the applicant.

Section 2. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 5. Effective Date.

This Ordinance shall become effective upon adoption and publication as required by law.

*A motion Introduced for second reading **Ordinance No. 2023-1547** by Councilmember Cudequest; seconded by Councilmember Lane; Clerk read by title only.*

Motion to open meeting to 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

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

PUBLIC HEARING OF ORDINANCE NO. 2023-1548 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING CHAPTER 369, "TREES AND PLANTS" TO REVISE CERTAIN PROVISIONS RELATED TO TREE REMOVAL AND BAMBOO

AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING CHAPTER 369, "TREES AND PLANTS" TO REVISE CERTAIN PROVISIONS RELATED TO TREE REMOVAL AND BAMBOO

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

Section 1. Section 369-2, "Tree removal permit required," Subsection H, is hereby amended and supplemented by adding the underlined text and deleting the bracketed text, as follows:

§ 369-2 Tree removal permit required.

- H. In connection with the submission of a site plan, subdivision or building addition application, the applicant shall be required to detail any tree-removal activities undertaken on the property within the past twelve [four] months. If any trees were removed during said [four]twelve-month period that would have been impermissible under this article as part of such application, the Montvale Environmental Commission shall review such activities and recommend compensatory plantings consistent with this article.

Section 2. Section 369-5, "Violations and penalties," is amended and supplemented by adding the underlined text and deleting the bracketed text, as follows:

§ 369-5 Violations and penalties.

- A. A fine of [\$500] \$750 shall be imposed for each tree removed in violation of this article.

Section 3. Section 369-10, "Purpose," of the Borough Code, shall be amended and supplemented by adding the underlined text and deleting the bracketed text, as follows:

§ 369-10 Purpose.

The Borough Council of the Borough of Montvale does hereby find and determine that it is necessary and proper to control the planting, cultivating and/or growing of bamboo in the Borough of Montvale and to require barriers to prevent the spread of existing bamboo onto public rights-of-way and public property in the Borough. [into other areas of the Borough.]

Section 4. Section 369-12, "Exemptions," of the Borough Code, shall be amended and supplemented by adding the underlined text and deleting the bracketed text, as follows:

§ 369-12 Exemptions.

The following shall be exempt from the requirements of this article:

- A. Any existing bamboo plant located on any property within the Borough limits as of April 10, 2018. Notwithstanding the foregoing, no portions of such bamboo shall be allowed to grow upon, extend roots across, or extend branches, stalks or leaves past the property boundary [or] onto any public right-of-way or public property. Furthermore, the general prohibitions set forth in § 369-11 shall apply with respect to any bamboo plant whose presence on property located in the Borough does not predate the effective date of this article.
- B. Any bamboo plant where the root system of such bamboo plant is entirely contained within an above-ground-level planter, barrel, or other vessel of such design, material and location as to entirely prevent the spread of growth of the bamboo plant's root system beyond the container in which it is planted. Whether planted or growing in a container as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant shall be closer than 10 feet to any property line or public right-of-way.

Section 5. Section 369-13, "Complaint notice; order for removal and compliance," of the Borough Code, shall be amended and supplemented by adding the underlined text and deleting the bracketed text, as follows:

§ 369-13 Complaint notice; order for removal and compliance.

Whenever a complaint is received by the Borough regarding the encroachment of any bamboo plant or root, or whenever the Borough, on its own observations and inspections, determines that there is an encroachment or bamboo plants or roots onto a public right-of-way or public property, [the property of another land owner,] and the Borough determines that good cause exists that a violation has occurred, the Borough shall cause notice to be served on the owner of the offending property, according to the following procedure:

- A. The notice shall specify the nature of the violation(s).
- B. The notice shall state specifically what must be done by the responsible party to correct the violation(s).
- C. The notice shall state that the violation(s) must be corrected within 30 calendar days from the date of the notice is received.
- D. If the violation is not remedied within the time frame set forth in the aforesaid notice, the Borough is hereby authorized and empowered to remove or to have removed any encroaching bamboo and to take all reasonable steps to eradicate the regrowth of the bamboo on the public right-of-way or public property, including sidewalks, and to restore such land to its normal condition prior to such removal and eradication.
- E. The notice shall be mailed by certified mail, return receipt requested, properly addressed and with sufficient postage, and also by first-class mail. Notice by certified mail shall be deemed complete on the date of personal delivery, or the date the certified mail is marked refused or unclaimed or otherwise undeliverable by the United States Post Office. First-class mail shall be deemed delivered on the fifth calendar day after mailing by the Borough.

Section 6. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 7. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or

existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 8. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 9. Effective Date.

This Ordinance shall become effective upon adoption and publication as required by law.

*A motion Introduced for second reading **Ordinance No. 2023-1548** by Councilmember Cudequest; seconded by Councilmember Lane; Clerk read by title only.*

Motion to open meeting to 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

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

MEETING OPEN TO PUBLIC:

Agenda Items Only

Motion to open meeting to the 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

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

November 28, 2023

A motion to accept minutes by Councilmember Lane; seconded by Councilmember Cudequest - all ayes with the exception of Councilmember Russo-Vogelsang abstaining

Informal Town Hall Meeting – December 4, 2023

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

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.

229-2023 Amending Resolution #217-2023 Awarding a Contract to CDW Government for Three (3) New Microsoft Surface Pro 7+ Computers and Related Software and Services Pursuant to NQDF856

WHEREAS, the Borough of Montvale awarded a contract via resolution #217-2023 in the amount of \$4,293.75; and

WHEREAS, the Borough has a need to procure three (3) new Microsoft Surface Pro 7+ Computers and Related Software and Services for use by the Construction Department; and

WHEREAS, CDW-G did submit a proposal dated November 2, 2023, in the total amount of \$4,293.75; and

WHEREAS, the QPA was notified the computers have been discontinued; and

WHEREAS, CDW-G has submitted a new quote which is attached to this resolution.

Quote#NQDF856 in the amount of \$5,656.59

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

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Montvale does hereby award the above-referenced contract pursuant to NQDF856, as follows:

Vendor	Contract Amount
CDW Government 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515	\$5,656.59

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

230-2023 Cancellation of Tax and Excess Sewer Overpayments or Delinquent Amounts Less than \$10.00

WHEREAS, N.J.S.A. 40A:5-17 allows for the cancellation of property tax and excess sewer overpayments or delinquent amounts in the amount of less than \$10.00; and

WHEREAS, the Mayor and Council may authorize the Tax Collector to process, without further action on their part, any cancellation of property tax and excess sewer overpayments or delinquencies of less than \$10.00

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, hereby authorize the Tax Collector to cancel said property tax and excess sewer amounts as deemed necessary.

BE IT FURTHER RESOLVED, that a certified copy of the resolution be forwarded to the Tax Collector and Chief Finance Officer.

231-2023 Amending Resolution #117-2023 to Establish Recreational Fees for Year 2023

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

WHEREAS, the Recreation Director has recommended that the following fees, programs, and times be revised as described; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the following fees and programs and services be and are hereby established

TIME SCHEDULE FOR PICKLEBALL COURTS:

Weekdays and Weekends:

8:00AM – Dusk

BOROUGH OF MONTVALE

DECEMBER 14, 2023

<u>Program Name</u>	<u>Session Length</u>	<u>Resident Fee</u>	<u>Non-Resident Fee</u>
30+ Basketball	Sept-May	\$75	\$95
	Jan-May	\$40	\$60
Adult Soccer	10 weeks	\$15	\$20
Golf Instruction	6 weeks	\$115	\$135
	8 weeks	\$150	\$170
Pickleball Clinic	3 weeks	\$50	\$65
Pickleball Clinic Drop In Fee	1 class	\$20	\$25
Pickleball Program	January-May	\$50	\$75
Summer Camp: Grades 1-5	4 weeks	\$450 per child \$1350 family max	\$500 per child \$1500 family max
Adventure Camp: Grades 6-7	4 weeks	\$550 per child	\$610 per child
Summer Camp Resident/Non-Resident	\$30 Additional Fee after Registration Period. \$25 late charge for every 15 minutes a child is left under care after camp dismissal. Payment shall be made directly to the Camp Director or Asst. Director and turned over to the Borough of Montvale. Camp financial assistance fee amounts will be at the discretion of the Recreation Director.		
<u>Program Name</u>	<u>Session Length</u>	<u>Resident Fee</u>	<u>Non-Resident Fee</u>
Extended Day Multisport Camp by TGA During Summer Camp Weeks Only	1 week (2:30-6:30pm)	\$220	\$250
Multisport Camp by TGA After Summer Camp Weeks Conclude and/or During School Breaks	1 week (Half Day)	\$245	\$255
	1 week (Full Day)	\$295	\$305
	1 week (Full Day + After Care)	\$375	\$395
The Way- The Art of Life	8 weeks (@ 2 classes per week)	\$120	\$180
Tai Chi	8 weeks	\$80	\$100
Montvale Senior Club Tai Chi Discount:	8 weeks	\$40	\$40
Tennis Lessons	6 weeks	\$115	\$145

BOROUGH OF MONTVALE**DECEMBER 14, 2023**

	8 weeks	\$150	\$190
Tennis Badges			
Adult (Ages 18-61)	March-December	\$30	\$60
Child (Ages 17 & Younger)	March-December	\$10	\$20
Family Max	March-December	\$50	\$100
Seniors (Ages 62 & Up)	March-December	Free	\$10
		\$10 Fee for Replacement Tennis Badge	
Basketball Badges			
Adult (Ages 18-61)	Residents: Lifetime Non-Residents: January-December	Free	\$25
Child (Ages 17 & Younger)	Residents: Lifetime Non-Residents: January-December	Free	\$15
Seniors (Ages 62 & Older)	Residents: Lifetime Non-Residents: January-December	Free	\$10
		\$5 Fee for Replacement Basketball Badge	
Pickleball Badges			
Adult (Ages 18-61)	Residents: Lifetime Non-Residents: January-December	Free	\$25
Child (Ages 17 & Younger)	Residents: Lifetime Non-Residents: January-December	Free	\$15
Seniors (Ages 62 & Older)	Residents: Lifetime Non-Residents: January-December	Free	\$10
		\$5 Fee for Replacement Pickleball Badge	
Ultimate Frisbee	6 weeks	\$75	\$95
	8 weeks	\$100	\$120
Volleyball- Adult	January-May	\$240	\$260
Volleyball- Girls	10 weeks	\$200	\$220
Women's Softball- Adult	April - August	\$60	\$70
Yoga	8 weeks	\$80	\$100
Yoga Mini Session	4 weeks	\$40	\$100
Youth Theater	September-December	\$10	\$50

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

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

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

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

Field and Facility Permit Regulations

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

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

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

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

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

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

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

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

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

Lightning Detection Credit Policy: If the lightning detector activates with less than 50% of scheduled time elapsed for that date, the organization shall receive a credit for that day's scheduled timeslot. If the lightning detector activates after 50% of the scheduled time has elapsed, no time credit will be granted.

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

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

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

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

232-2023 Authorizing Two Year (2) Field License Agreement with the Montvale Board of Education

BE RESOLVED, the Board of Education and the Borough of Montvale are the owners of certain land which is devoted to recreational uses more particularly know as Memorial School Fields and Fieldstone School Fields; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Montvale that the attached two year Field License Agreement with the Montvale Board of Education and the Borough of Montvale has been reviewed and will be provided to the Pascack Valley Department of Public Works Superintendent; and

NOW THEREFORE BE IT RESOLVED, that the Governing Body hereby authorizes the execution of the attached Agreement to commence on January 1, 2024 through December 31, 2025 which includes the Maintenance of Fields on behalf of the Borough of Montvale.

233-2023 Authorize Release of Escrow – Kieffer-Ulta – 32 Farm View Block 2802 – Lot 2

WHEREAS, Kieffer – Ulta has requested release of escrow posted for 32 Farm View, Block 2802, Lot 2; and

WHEREAS, the Borough Engineer and other Borough professionals take no exception to the release; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale hereby release escrow to Kieffer - Ulta in the amount of \$2,262.75; and

BE IT FURTHER RESOLVED, the Treasurer shall receive a copy of this resolution for processing.

234-2023 Opposing Assembly Bill A-5659 And Its Impact On Worker's Compensation

WHEREAS, Local Government is facing the largest budget increase for property/casualty insurance since the mid-1980s; and

WHEREAS, The property/casualty budget for the typical municipality has already experienced a 20% to 25% increase since 2021 and will experience another 12% to 20% increase in 2024; and

WHEREAS, New Jersey now has the highest workers' compensation premium rates in the country based on data from the U.S. Bureau of Labor Statistics; and

WHEREAS, Workers' Compensation escalated because New Jersey judges are now reopening cases up to four and five times, whereas in the past they rarely reopened a case more than once; and

WHEREAS, Workers' Compensation also escalated because of a 2021 Department of Labor decision that directed workers' compensation to pay many accidental disability claims that previously were paid by the pension plans; and

WHEREAS, Another recent law created a presumption that firefighters diagnosed with cancer are eligible for workers' compensation; and

WHEREAS, During the COVID 19 Pandemic, the Legislature approved a law that made COVID contracted by first responders and essential employees compensable under New Jersey's workers' statute resulting in the COVID cost per employee being the second highest in the country; and

WHEREAS, Liability has increased because of the erosion of Title 59 protections in New Jersey's courts. Judges are now reluctant to grant summary judgement dismissing even frivolous claims because of the 2021 New Jersey Supreme Court decision in Gonzalez v. Jersey City; and

WHEREAS, The recent amendment in the sexual molestation statute of limitations also increased Title 59 liability costs. In some cases, towns are being sued based on allegations going back to the 1970s; and

WHEREAS, Property premiums are increasing rapidly because the world-wide frequency of large natural disasters has almost tripled since 2000. New Jersey alone was hit with Hurricane Irene in 2011, Superstorm Sandy in 2012 and Tropical Storm Ida in 2021; and

WHEREAS, Property insurance premiums are also indexed to replacement values that have jumped because of supply chain issues and the labor shortage; and

WHEREAS, Cyber liability premiums have more than doubled in recent years. Organizations without strong cyber risk controls are finding it difficult to purchase any coverage.

NOW THEREFORE BE IT RESOLVED BY THE NEW JERSEY LEAGUE OF MUUNICIPALITIES THAT:

- 1) The Legislature is urged to adopt budget and levy cap exemptions for property/casualty insurance and claims; and
- 2) The Administration and the Legislature should not adopt additional legislation or regulations that will increase municipal claims without a thorough and complete analysis of the cost; and
- 3) The New Jersey Department of Labor, the New Jersey Department of Banking and Insurance and the New Jersey Department of Community Affairs should meet with representatives of municipal government to discuss ways to reduce property/casualty costs.

235-2023 RE: A Resolution Authorizing the Borough Of Montvale To Accept the Bid Of Veolia For The Property Identified As Block 1002, Lot 7, Otherwise Known As 127 Summit Avenue, Montvale, New Jersey

WHEREAS, the Borough of Montvale is the owner of real property identified as Block 1002, Lot 7 on the official Tax Map of the Borough, otherwise known as 127 Summit Avenue, Montvale, New Jersey (the "Property"); and

WHEREAS, the Property, presently vacant, is not needed for public use; and

WHEREAS, N.J.S.A. 40A:12-1 et seq. authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

WHEREAS, by Resolution No. 212-2023, dated October 24, 2023, the Borough authorized the Public Sale of the Property, subject to certain conditions, including but not limited to a minimum bid of \$4,725,000.00; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13, advertisement of the sale of the property not needed for public use by open sale at auction was advertised in the Record; and

WHEREAS, on or about November 28, 2023 the Borough offered the Property for sale to the highest bidder; and

WHEREAS, the sole bid received was from Veolia Water New Jersey, Inc. ("Water") in the amount of \$4,725,000.00; and

WHEREAS, Veolia did tender the required ten-percent (10%) deposit at the time of its bid, in the amount of \$472,500.00, payable to the Borough of Montvale; and

WHEREAS, the Borough wishes to accept the bid received from Veolia in the amount of \$4,725,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Montvale, County of Bergen, in the State of New Jersey that the Borough of Montvale shall accept the bid from Veolia in the amount of \$4,725,000.00 plus usual and customary adjustments at closing, for the real property identified as Block 1002, Lot 7 in accordance with the terms and conditions set forth in Resolution 212-2023, including payment of the balance of the purchase price, legal fees incurred by the Borough for the transfer of title, the cost of the Borough's appraisal for the property, engineering fees incurred by the Borough and the cost of advertisement of the public sale, and authorizes the Borough Attorney to prepare a contract for sale, deed, and such other documents as are necessary to transfer the subject property; and

BE IT FURTHER RESOLVED, that the Mayor, Clerk and Administrator are authorized to execute the contract of sale, quitclaim deed, and any other documentation to effectuate the transfer of the property.

237-2023 Cancellation of Other Trust Fund Reserve Balances

WHEREAS, there exist old, stale reserves in the Insurance Fund; and

WHEREAS, said old balances should be cancelled, and

WHEREAS, it is the desire of the Mayor and Council to cancel said Other Trust Fund reserve balance as listed below:

Reserve for Self Insurance \$50,000.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Borough Council of the Borough of Montvale that the above Insurance Fund reserve balance be canceled and that said total be transferred to the proper statutory account (MRNA).

238-2023 Endorsing Community Development Block Grant for Children's Aid and Family Services located at 42 S Middletown Road, Montvale, NJ

WHEREAS, a Bergen County Community Development grant of **\$45,000** has been proposed by Children's Aid and Family Services for Air Purification Units for CAFS Group Homes Project with 1 unit at a cost of **\$2,000** being installed in the home located at 42 S Middletown Rd in the Borough of Montvale; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Montvale; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Montvale, County of Bergen, State of New Jersey hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

239-2023 Appointment Jr. Member / Montvale Fire Department / Cole Brenniser

WHEREAS, the Montvale Fire Department is desirous of adding a junior member; and

WHEREAS, Cole Brenniser of Montvale, NJ has been approved by the Board of Fire Commissioners and has undergone a satisfactory physical, pursuant to the attached application which has been made part of this resolution; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the appointment of Cole Brenniser, as a Jr. Member of the Montvale Fire Department, is hereby approved.

240-2023 A Resolution Authorizing the Execution of a Grant Agreement with the BMED Gateway Fund for the Borough's Health and Wellness Program for 2024

WHEREAS, the Borough of Montvale affirms its understanding that the BMED Gateway Fund offers a grant opportunity to its member agencies who wish to initiate a partnership with the Fund to incentivize employee participation in health and wellness programming and awareness; and
WHEREAS, the Borough of Montvale understands that the grant is a matching grant and that participation in the Program requires local budgetary support and administration; and
WHEREAS, the application for grant consideration requires a resolution of the governing body's understanding and support for promoting health and wellness concepts within their employee population.

NOW THEREFORE BE IT RESOLVED that the Borough of Montvale authorizes the submission of a grant application for \$5,000 to the BMED Gateway Fund to enable their participation in the Fund's Health and Wellness Program for the 2024 calendar year.

241-2023 A Resolution Authorizing the Execution of a Road Paving Agreement with Veolia Water New Jersey Inc. Concerning the Terkuile Road Water Main Replacement Project

WHEREAS, Veolia Water New Jersey Inc. ("VWNJ") provides water service within its franchise area pursuant to a tariff that is issued by the New Jersey Board of Public Utilities (hereinafter, "Tariff"); and
WHEREAS, pursuant to the Tariff, VWNJ is required to maintain its equipment and infrastructure through which it provides water service to customers; and

WHEREAS, a portion of its equipment and infrastructure (i.e., water mains and facilities) is located within the right-of-way along public roads known as Terkuile Road in the Borough of Montvale (hereinafter the "Public Roads"), and

WHEREAS, the Public Roads are operated and maintained by the Borough; and

WHEREAS, VWNJ has replaced certain water mains within the Public Roads that will require final pavement restoration; and

WHEREAS, Borough and VWNJ have agreed upon an agreement whereby VWNJ shall pay to the Borough the estimated cost of repaving the Public Roads so that a larger repaving project for Terkuile Road can be accomplished in an efficient and cost-effective manner and with less disruption to the residents.

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

The Borough does approve the Road Paving Agreement with Veolia Water New Jersey Inc. in substantially the form negotiated.

The Mayor and Borough Clerk are hereby directed, authorized and empowered to execute the Road Paving Agreement and take all other steps reasonably necessary to effectuate the provisions and purposes of this resolution. This resolution shall take effect immediately.

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

236-2023 A Resolution Authorizing An Increase Of Annual Length Of Service Awards Program (LOSAP) Contributions For The Montvale Fire Department

WHEREAS, the Borough of Montvale provides a Length Of Service Awards Program (LOSAP) in accordance with P.L. 1997, c. 388 and the provisions of N.J.S.A. 40A:14-138 to reward active members of the Montvale Fire Department for their loyal, diligent and devoted services to the residents of Montvale, New Jersey; and

WHEREAS, those individuals who meet the necessary requirements are currently awarded \$1,350.00 annually; and

WHEREAS, there has been no increase in the annual LOSAP since 2016; and

WHEREAS, Borough Ordinance 42-27(D) provides that the governing body may, from time to time, authorize an increase in the annual contributions in an amount not to exceed the cumulative percentage

increase in the consumer price index (CPI) since the year in which the annual contribution amount was last set, as calculated by the Director of the Division of Local Government Services. Any such increase shall be made by resolution of the governing body and shall not require a public hearing; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13, advertisement of the sale of the property not needed for public use by open sale at auction was advertised in the Record on January 16, 2023 and January 23, 2023; and

WHEREAS, the Mayor and Council approve an increased award to \$1,617.00, per qualified member.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Montvale, County of Bergen, in the State of New Jersey that the LOSAP award be increased from \$1,305.00 to \$1,617.00 and be included in the 2023 payment to those members of the Montvale Fire Department who have qualified for a LOSAP contribution on their behalf.

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

BILLS: Administrator read the Bill Report.

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

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

COMMITTEE REPORTS:

Council President Arendacs

DPW

Clearing catch basins, street sweeping and repairing pot holes. Filled the pot holes on Memorial Drive. Preparing for the winter season.

Engineering

Great job on the paving of the municipal parking lot

Councilmember Koelling

Police

Report included with original minutes; overnight parking please email traffic@montvaleboro.org

Councilmember Russo-Vogelsang

Seniors

Holiday luncheon at Seasons; December 15th at 2pm will be having a cookie exchange

Schools

Renovations continue, new fire alarms have been installed, HVAC, new doors and locks, 5 new classrooms added and restrooms behind Fieldstone at the soccer field

Councilmember Cudequest

Wished everyone Happy Holidays

Councilmember Roche

Tree lighting was on December 1st, due to the rain we had a lighter turnout; look on the recreation web page for the Holiday lights tour and will be holding a snowman show off, send pictures to Montvale recreation and they will be displayed on the recreation facebook page throughout the season.

Environmental Commission

Winding down the Treks program for collecting plastic bags, if you have plastic bags, please bring them to your local supermarket. Thanked the EC for their input with the tree ordinance.

Councilmember Lane

Fire Department

List of officers are as follows:

Fire Chief, Geoffrey Gibbons; Deputy Fire Chief, Bruce Hopper; Captain, Michael Cintineo; Lieutenant Co. #1, Rick Alton ; and Lieutenant Co. #2, Daniel Demarest

Thanked the fire department for the decorations in the center of town; they will assist Santa this month.

Budget

Will begin mapping out their strategy next week with committee and encourage to attend

Joint Court

Our Judge is retiring at the end of the year, this is a gubernatorial appointment. We are looking for a Prosecutor as well and hope to appoint one soon

Mayor Ghassali

The County showed cased Montvale as to how the economy is helping the County; thanked all that volunteered this year and have more that want to volunteer as well; received a few calls from companies that want to move into town, a dental lab and self storage to name a few.

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

DePiero Drive pavers will be replaced in the spring

ATTORNEY REPORT:

David Lafferty, Esq.

Report/Update

The sub-division application for the DePiero property has been submitted to the Planning Board; will be preparing a contract for Veolia to purchase 127 Summit Ave

ADMINISTRATOR REPORT:

Joe Voytus

Report/Update

New HVAC unit will be installed next week; Huff playground will start installation and some tree removal in the next few weeks; the doors at the senior will be fixed; oral arguments were heard last Tuesday regarding affordable housing litigation, we have to wait and see.

242-2023 A Resolution Awarding a Contract to Packetalk for Twelve (12) Outdoor HD License Plate Reader Cameras Pursuant to State Contract T3121 For Use By The Montvale Police Department

WHEREAS, the Borough has a need to procure Twelve (12) Outdoor HD License Plate Reader Cameras ("LPRs") for use by the Police Department; 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 Packetalk, 163 Stuyvesant Avenue, Lyndhurst, New Jersey 07071, for these LPRs under State Contract T3121; and

WHEREAS, Packetalk submitted a Quote to the Borough dated November 11, 2023, in the total amount of \$109,050.00, of which \$16,805.56 will be paid for out of forfeiture funds; and

WHEREAS, the Borough's Police Chief has recommended that the Borough award this contract pursuant to the Packetalk 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 Packetalk, 163 Stuyvesant Avenue, Lyndhurst, New Jersey 07071, for Twelve (12) Outdoor HD License Plate Reader Cameras.
2. The Mayor, Borough Clerk and/or Borough Administrator are hereby directed, authorized and empowered to execute an agreement with Packetalk consistent with this resolution.
3. This resolution shall take effect immediately.

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

Thanked Nevene Gayed, Andy, Police dept and all councilmembers for helping with Mayor for a Day

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

COMMUNICATION CORRESPONDENCE:

None

MEETING OPEN TO THE PUBLIC:

HEARING OF CITIZENS WHO WISH TO ADDRESS THE MAYOR AND COUNCIL:

Upon recognition by the Mayor, the person shall proceed to the floor and give his/her name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he/she shall limit his/her statement to five (5) minutes. Statements shall be addressed to the Council as a body and not to any member thereof. No person, other than the person having the floor, shall be permitted to enter into any discussion, without recognition by the Mayor.

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

Catherine Schmidt, 9 Blue Sky Lane

Banning the sale of animals in Montvale that come from puppy mills – NY already passed a law banning purchase from pet stores

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

Re-Organization Meeting will be held on Monday, January 1st at 12:00 Noon

The Next Regular Public Meeting of the Mayor & Council to be held at 7:30pm on Thursday January 11th, 2024

Budget Meetings – Via Zoom will be held at 6:00 p.m. Mondays, January 8, January 22, January 29, 2024. Link will be provided on Montvale website for these budget meetings.

Motion to adjourn by Councilmember Lane; seconded by Councilmember Roche – all ayes
Meeting adjourned at 8:20pm

Respectfully submitted, Frances Scordo, Municipal Clerk