

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:41pm. 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 and/or The Ridgewood News, informing the public of the time and place according to the provisions of the Open Public Meeting Law (Chapter 231, P.L. 1975).

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

ROLL CALL:

Councilmember Arendacs	Councilmember Koelling
Councilmember Curry - absent	Councilmember Lane
Councilmember Gloeggler – Council President	Councilmember Russo-Vogelsang

ORDINANCES:

INTRODUCTION ORDINANCE NO. 2019-1473 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 106 OF THE BOROUGH CODE TO REVISE THE HOURS OF PERMISSIBLE DOOR-TO-DOOR SOLICITATION IN THE BOROUGH
(Public Hearing 9-10-19)

A motion to Introduce Ordinance **2019-1473** for first reading was made by Councilmember Russo-Vogelsang; 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 Ridgewood News; seconded by Councilmember Koelling - A roll call was taken – all ayes

Councilmember Arendacs asked for clarification; the borough attorney stated that this is as a result of pending litigation between the Borough and Aptive Environmental, LLC.

RECOGNITION: NJ Clean Communities/Award//Montvale Environmental Commission

MEETING OPEN TO PUBLIC:

Agenda Items Only

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

NO PUBLIC COMMENT

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

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

None.

MINUTES CLOSED/EXECUTIVE SESSION:

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.

158-2019 Authorizing Appointment of Municipal Representative To The Bergen County Community/ Development Regional Committee

WHEREAS, the Municipality of Borough of Montvale has entered into a three-year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:8a-1 et seq. and Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that the Municipal Council to appoint a representative and alternate and that the Mayor appoint a representative and alternate for the FY 2019-2020 term starting July 1, 2019 and ending on June 30, 2020.

NOW THEREFORE, BE IT RESOLVED that the Municipal Council hereby appoints Maureen Iarossi-Alwan as its representative and Councilmember Dieter Koelling as its alternate and that the Mayor hereby appoints Councilmember Timothy Lane as his/her representative and Councilmember Douglas Arendacs as his/her alternate to serve on the Community Development Regional Committee for FY 2019-2020; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, Fourth Floor; Hackensack, New Jersey 07601 by both email and regular mail.

159-2019 Tax Settlement Resolution/Block 505/Lot 13/27 Sheppard Drive/Campana

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Francesco & Rachele Anne Campana (hereinafter the "Tax Appeal"), under Docket Numbers 005709-2018 and 003327-2019, and;

WHEREAS, the aforesaid Tax Appeal involves a residential property located at 27 Sheppard Drive, and is otherwise referred to as Block 505 Lot 13 on the tax assessment map of the Borough (hereinafter the "subject property"), and;

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel and the Borough Tax Assessor, and;

WHEREAS, the terms of the proposed settlement are set forth in the attached Schedule "A" included herein, and;

WHEREAS, it is in the best interest of the Borough of Montvale to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the settlement of the aforesaid Tax Appeal be hereby approved, in accordance with the terms set forth in the attached Schedule "A", and;

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Borough Administrator, Tax Appeal Attorney and/or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

SCHEDULE "A"

A. The terms of the aforesaid tax appeal settlement shall consist as follows:

2018 Appeal: Withdrawn

2019 Appeal: \$1,550,000

- B. The provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") shall be applicable to the terms of this settlement.

160-2019 Corrective Action Plan

WHEREAS, the audit report for the year ended December 31, 2018 was received by the Borough of Montvale on July 26, 2019; and

WHEREAS, the Division of Local Government Services requires a corrective action plan to be prepared and submitted within 60 days from the date the audit is received by the Governing Body; and

WHEREAS, the corrective action plan covers all findings and recommendations in the audit report, including state, federal and general findings, as well as, the status of prior year findings and recommendations; and

WHEREAS, the corrective action plan should be prepared by the Chief Financial Officer, with the assistance from other municipal officials affected by the audit recommendations, and approved by the Governing Body.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Montvale hereby approves the corrective action plan prepared and submitted by the Chief Financial Officer in response to the findings and recommendations included as part of the audit report for the year ended December 31, 2018.

161-2019 Special Item of Revenue & Appropriation Chapter 159

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

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

WHEREAS, the Borough of Montvale has been awarded \$9,805.60 from the State of New Jersey – Division of Motor Vehicles and wishes to amend its 2019 Budget to include this amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Montvale hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$9,805.60 which is now available as a revenue from:

Miscellaneous Revenues:

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

Public and Private Revenues Off-Set with Appropriations:

State of New Jersey – Division of Motor Vehicles:

Drunk Driving Enforcement Fund, and

BE IT FURTHER RESOLVED that a like sum of \$9,805.60 be and hereby appropriated under the caption of:

General Appropriation

(a) Operations - Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

State of New Jersey – Division of Motor Vehicles:

Drunk Driving Enforcement Fund

162-2019 Group Affidavit Audit Report

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of the N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall be resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS

and

WHEREAS, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, specifically the sections of the Annual Audit entitled: General Comments - Recommendations; as evidenced by the group affidavit form of the Governing Body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the Annual Audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the Affidavit as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the Governing Body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52 - "A local officer or member of a local Governing Body who, after a dated fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the Provisions of this Article, shall be guilty of a misdemeanor and upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 10, 1968 and does here submit a certified copy of this resolution and the required Affidavit to said Board to show evidence of said compliance.

163-2019 A Resolution Certifying a Lien against Property Known as 63 Magnolia Avenue For Costs Incurred by the Borough of Montvale In Accordance With the Montvale Property Maintenance Code

WHEREAS, in accordance with Chapter 86 of the Montvale Borough Code, entitled "Property Maintenance," notice of numerous property maintenance violations was sent to the owner of property/bank foreclosure known as 63 Magnolia Ave, designated as Block 603/Lot 37 on the Montvale Tax Map, and

WHEREAS, the owner of said property or the bank foreclosure division did not comply with these notices and did not abate the identified violations; and

WHEREAS, the Montvale Construction Official is required to take the steps in order for the necessary work to be performed and has certified the cost of same to the Governing Body with the submission of an invoice from Raymond Brothers, Landscaping, Inc. 55 Prospect Place, Hillsdale, NJ 07642 dated July 31, 2019, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the cost to abate the property maintenance violations at 63 Magnolia Ave be \$2,300.00; and

WHEREAS, it is the desire of this Governing Body, in accordance with Borough Code § 86-10(D)(8), to approve said costs and to authorize the imposition of a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, that a lien for all the bills submitted by the vendor is hereby certified as against the property known as 63 Magnolia Avenue in the Borough of Montvale; and

BE IT FURTHER RESOLVED that said lien shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced in the same manner as are taxes, in accordance with Chapter 86 of the Borough Code and applicable law; and

BE IT FURTHER RESOLVED that the Borough Clerk shall forward a certified copy of this resolution to the owner(s) of the subject property by certified mail; and

BE IT FURTHER RESOLVED that the Tax Collector shall be responsible for collection of the amounts herein certified.

164-2019 Requesting Permission For The Dedication By Rider for Community Police Program/MPD

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, the various programs for Community Police and National Night Out are beneficial to the community; and

WHEREAS, N.J.S.A. 40A: 5-29 provides for the acceptance of donations from various agencies for specific purposes; and

WHEREAS, donations will be used for the Junior Police Academy and various other Community Police Programs;

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to establish a reserve for Community Police Programs as per N.J.S.A. 40A: 5-29.
2. The Clerk of the Borough of Montvale, County of Bergen, is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

165-2019 Professional Service Contract For Professional Engineering Services/Pascack Brook Trail/ Memorial Drive/Block 2305/Lot 13/Boswell Engineering

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer for the restoration of Huff Pond to prepare design and Regulatory Permitting Services for the Huff Pond Project at the Borough's Memorial Drive Complex; 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, the Governing Body on December 14, 2018 through the Environmental Commission review and acceptance a proposal for these various engineering services in detail and is attached to the original of this resolution; and

WHEREAS, Boswell McClave Engineering, 330 Phillips Avenue, PO Box 3152, South Hackensack, NJ 07606-1722 has submitted a proposal for this work in the amount of \$33,500.00 permit fees and lab costs to be paid directly by the Borough of Montvale; and

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

- 1) That the proposal for this engineering and environmental services as outlined in the December 14, 2018 proposal, attached, shall be awarded to Boswell McClave Engineering.

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

166-2019 Professional Service Contract For Professional Engineering Services/Pascack Brook Trail/ Memorial Drive/Block 2305/Lot 13/Boswell Engineering

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer for the necessary engineering and environmental services to establish a walking trail at the Borough's Memorial Drive Complex; 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, the Governing Body received a revised proposal on July 19, 2019 through the Environmental Commission's review and acceptance a proposal for these various engineering services in detail which is attached to the original of this resolution; and

WHEREAS, Boswell Engineering, 330 Phillips Avenue, PO Box 3152, South Hackensack, NJ 07606-1722 has submitted a proposal for this work in the amount of \$23,000.00 for tasks 2-5 plus 9 and if require tasks 6-8 are required change orders to this contract award will be adopted Regulatory Fees will be paid directly by the Borough of Montvale; and

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

- 1) That the proposal for this engineering and environmental services as outlined in the July 19, 2019 proposal, attached, shall be awarded to Boswell Engineering.

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

167-2019 Authorize Execution Of Developers Agreement/SHG Montvale MB, LLC

WHEREAS, SHG Montvale MB, LLC ("Developer") owner of the premises known as Block 2702, Lot 1 and Block 2801, Lot 2 and Block 3201 Lot 6, made an application to the Planning Board for site plan approval; and

WHEREAS, the Planning Board approved the Development by resolution dated May 21, 2019; and

WHEREAS, pursuant thereto, the Borough, Planning Board and Developer are desirous of executing a Developer's Agreement setting forth the parties' respective rights and obligations concerning said approval; and

WHEREAS, a Developer's Agreement has been negotiated by and between the parties and has been executed by the Developer and the Chairman of the Planning Board.

NOW, THEREFORE, BE IT RESOLVED that the Developer's Agreement dated July 19th, 2019, between the Borough of Montvale, the Planning Board of the Borough of Montvale, and SHG Montvale MB, LLC is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute the Developer's Agreement with the Developer and to take all other steps reasonably necessary to effectuate the provisions and purposes of this resolution.

Introduced by Councilmember Lane; seconded by Councilmember Russo-Vogelsang - all ayes

BILLS: Municipal Clerk read the Bill Report.

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

REPORT OF REVENUE: Municipal Clerk read the Report of Revenue – July

COMMITTEE REPORTS:

Councilmember Lane

Finance

Our current CFO will be retiring in November 2019, started the process of hiring a replacement.

Councilmember Russo-Vogelsang

Special Events Committee

Day in the Park is scheduled for Saturday, September 21 with rain date Sunday, September 22

Fireworks will begin at 7:15

Tennis Court Repairs

The lighting issue is being worked on; the surface cracks will be repaired in the next coming months, check the website for a start date

Currently exploring the idea of starting a Pickleball club;
Fall programs will begin in September with online registration will open in August

Councilmember Koelling

Police

Monthly report included in original minutes;

Environmental Commission

Chairman Bob Hanrahan gave a brief explanation in regards to the award the commission just received; he thanked all the volunteers/residents for coming out year after year on clean-up day, not only cleaning the streets but especially cleaning up by the waterways in town;

A new program starting September 15, collecting plastic bags; the collection bins will be located at Memorial School, Fieldstone, the high school, borough hall, senior/community center and at the recycle center

Councilmember Arendacs

DPW

Any questions, comments or complaints, please reach out to Terri 201-664-2346 ext 1400 or Montvale borough hall at 201-391-5700 or email Councilmember Arendacs

Engineering

Road program will be completed by end of August

Council President Gloeggler

TV Access

Residents are now able to stream the station on their phones, computers and tablets. Highlights from the 125th anniversary celebration are now available.

ENGINEER'S

REPORT: Andrew Hipolit

Report/Update

a. Report Status 2019 Road Improvement Program

Roads that are completed are Blue Sky Lane, Timberland Trail, Summertree Way and part of Eagle Ridge; Speed humps on Memorial Drive are completed;

Roads to be completed are as follows:

Belnay Lane, Waverly Place, Madison Ave, Westmoreland Ave, Locust Street, Montvale Ave, Cottage Ave, Lark Lane, Wren Way, Nottingham Court and Upper Saddle River Road from Chestnut Ridge Road east.

PSE&G will be replacing gas mains on the following roads:

Middletown Road from Grand Ave to the NY boarder, Molten Drive, Maze Road, Windsor Road, Conrad Court and Ivy Lane; homes on these streets will be subject to meter replacement in the homes as well.

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

No Report

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 Koelling; seconded by Councilmember Russo-Vogelsang - all ayes

Carolee Adams

Ask for clarification regarding PSEG gas main replacement, Mr. Hipolit stated that the roads he mentioned earlier are the roads scheduled for 2019; any future roads will be determined in 2020. Looking forward to having the Montvale Astronomy club be included in the interview process for TV Access; Mentioned that September 8th is National Grandparents Day and encouraged all to find out their own history and legacies of their grandparents; the Legacy Coalition has a lot of material on it;

Jarret Schumacher

Mentioned the topic of garbage pickup twice a week in the summer; it was a question on the town survey, and residents want it but not necessarily want to pay for it; Mr. Schumacher suggested to put the question on the ballot; Councilmember Lane stated that this affects the budget spending cap, one solution could be is to take it out of the taxes and have the residents pay for their own garbage. Other towns in the area do this. Council President Gloeggler urge residents to come to the budget meetings for a better understanding of how it the budget process works.

Lillian Crowley

Suggested to have Councilmember Lane talk to the residents;

Carol Loscalzo, 6 Twin Oaks Drive

Ask if there was an update in regards to the Pride flag; the borough attorney stated that there is a draft policy on the website and suggested all to read it and send their comments and recommendations and that this will be on the agenda for discussion on September 24.

Carolee Adams

Ask for clarification regarding a statement made about paying independently for garbage pickup; Councilmember Lane made that comment as a suggestion or alternative way.

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

ADJOURNMENT

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

Meeting was adjourned at 8:40pm

The next Meeting of the Mayor and Council will be held September 10, 2019 at 7:30 p.m.- Please be advised the Workshop Session of August 27th has been cancelled.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk