

PUBLIC MEETING
MINUTES

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:40pm. 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: Mayor Mike Ghassali; 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 Curry
Councilmember Gloeggler

Councilmember Koelling
Councilmember Lane
Councilmember Russo-Vogelsang

PRESENTATION: National Institute for People with Developmental Disabilities of NJ
Ralph Coloma, Executive Director, and Jonelle Bradford

ORDINANCES:

PUBLIC HEARING OF 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

WHEREAS, the Borough Code currently prohibits door-to-door solicitation in the Borough after the earlier of 6:00 p.m. or sunset; and

WHEREAS, as a result of a settlement of pending litigation between the Borough and Aptive Environmental, LLC, in which Aptive contended that the Borough's ordinance was unconstitutional, the Borough has agreed to amend the ordinance to allow for door-to-door solicitation until thirty (30) minutes after sunset; and

WHEREAS, the Borough's "No-Knock" ordinance, in which residents may "opt out" of commercial solicitations, will remain in effect.

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

Section 1. Chapter 106 of the Code of the Borough of Montvale, Section 106-16.1, entitled "Prohibited acts," is hereby amended and supplemented by adding the underlined text and deleting the [bracketed] text, as follows:

§ 106-16.1 Prohibited acts.

No person or license holder shall:

A. Peddle, solicit or distribute merchandise except between the hours of 9:00 a.m. and 30 minutes after sunset [6:00 p.m. or sunset, whichever occurs earlier,] unless specifically having been invited to a dwelling by an occupant thereof or having previously made an appointment with an occupant.

B. **Section 2.** The remainder of Section 106-16.1 shall remain unchanged.

Section 3. Severability.

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

Section 4. Effective date.

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

Section 5. Repeal of inconsistent ordinances.

All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

A motion Introduced for second reading Ordinance No 2019-1473 by Councilmember Russo-Vogelsang; seconded by Councilmember Lane; Clerk read by title only.

Motion to open meeting to public by Councilmember Lane; seconded by Councilmember Curry - All ayes

NO PUBLIC COMMENT

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

Motion to adopt on Second and Final Reading in Ridgewood News by Councilmember Lane; seconded by Councilmember Koelling - All ayes on a roll call vote

Councilmember Arendacs asked for clarification; the borough attorney stated this does not change the No-Knock Ordinance; this ordinance only changes the hours which are 30 minutes after sunset

MEETING OPEN TO PUBLIC:

Agenda Items Only

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

Carole Adams

Mentioned that she spoke with the Boy scouts in regards to helping out at the group home; also have the representatives of the group home reach out to the Montvale Community page;

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

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

July 30, 2019

A motion to accept the minutes by Councilmember Lane; seconded by Councilmember Koelling – all ayes with the exception of Councilmember Arendacs abstaining

August 13, 2019

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

MINUTES CLOSED/EXECUTIVE SESSION:

August 13, 2019

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

168-2019 A Resolution of the Borough of Montvale Authorizing the Execution of an Agreement with the Pascack Valley Regional High School District Board of Education Concerning the Hiring and Placement of Special Police Officer IIIs at Pascack Hills High School

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

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

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

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

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

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

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

169-2019 A Resolution Certifying a Lien against Property Known as 7 Westminster Court" Mushroom Cellar Historic Site" 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 7 Westminster Court, designated as Block 603/Lot 16 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 August 19, 2019, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the cost to abate the property maintenance violations at 7 Westminster Court in total \$5,100.00; 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 7 Westminster Court 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.

171-2019 Authorize Release of Partial Cash Performance Guarantee/Full Release of Performance Guarantee Bond Montvale Development Associates, LLC /Block 2802/Lot 2 & 3 /Block 1002/Lot 3 & 5

WHEREAS, Montvale Development Associates, LLC is requesting a release in their Performance Guarantee Bond #Ironshore Indemnity, Inc. Bond #SUR54000016 in the amount of \$4,357,800.00 and cash portion in the Guarantee in the amount of \$484,200.00; and

WHEREAS, a completed inspection of the site has been conducted by Andrew Hipolit, Borough Engineer, which recommends said release of the above referenced in letter dated August 15, 2019 which is attached to the original of this resolution; and

WHEREAS, the Borough Engineer recommends a full release of the Performance Guarantee and a partial release in the Performance Guarantee Cash portion in the amount of \$284,200.00; and

WHEREAS, the Cash Performance Guarantee will be retained by the Borough in the amount of \$200,000.00; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the Performance Guarantee Bond #Ironshore Indemnity, Inc. Bond #SUR54000016 be hereby released and a partial release in the cash portion be released; and

NOW THEREFORE BE IT FUTHER RESOLVED, The Borough Treasurer receives a copy for processing and Antimo A. DelVecchio of Beattie Padovano, LLC receives a copy of this resolution upon adoption.

172-2019 Appointment Interim Chief Financial Officer/R. Overgaard

WHEREAS, due to the retirement of Kenneth Sesholtz, current Chief Financial Officer of the Borough of Montvale, and in accordance with N.J.S.A. 40A:9-140.10, it is the intention of the Borough of Montvale to appoint Rebecca Overgaard to serve as the interim Chief Financial Officer for a maximum four year term to commence on October 16th 2019; and

WHEREAS, Rebecca Overgaard is and has been a certified Chief Financial Officer since June 1989, and has satisfied the continuing education requirements for said certification; and

WHEREAS, Angela McCain, Deputy Treasurer for the Borough of Montvale, is currently scheduled to apply for and hopefully receive her certification as a Municipal Finance Officer by the New Jersey Division of Local Government Services; and

WHEREAS, upon Ms. McCain's receipt of said certification, and upon the Borough's satisfaction that Ms. McCain is qualified to serve in the position of Chief Financial Officer for the Borough, it is the intention of the Borough to promote Ms. McCain to this position; and

WHEREAS, Rebecca Overgaard has agreed that upon Ms. McCain's receipt of her certification and upon the Borough's determination that Ms. McCain has met the certification, experience, and other requirements for promotion to the position of Chief Financial Officer, Rebecca Overgaard shall resign from the position of Chief Financial Officer for the Borough of Montvale.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing prefatory clauses are hereby incorporated herein as if set forth again at length; and

BE IT FURTHER RESOLVED that Rebecca Overgaard is hereby appointed as interim Chief Financial Officer for the Borough of Montvale, for a maximum four-year term to commence on October 16, 2019; and

BE IT FURTHER RESOLVED that the salary for Ms. Overgaard shall not exceed the amount specified in the salary ordinance per annum and shall not include benefits; and

BE IT FURTHER RESOLVED, that it is understood and agreed that upon the Borough's determination to promote Angela McCain to the position of Chief Financial Officer, Rebecca Overgaard shall resign from the position of Chief Financial Officer, notwithstanding the fact that a portion of her original four-year appointment may remain, and she shall be entitled to no additional compensation from the Borough.

173-2019 Awarding State Contract T-0106/10-75 Emergency Vehicles/Montvale Fire Chief Vehicle Upfitting

WHEREAS, the Borough of Montvale purchase a new vehicle for the Montvale Fire Chief; and

WHEREAS, 10-75 Emergency Lighting, Haskell, NJ in under state contract T-0106 and will be performing the Upfitting of the 2019 Ford F150 for the Fire Department; and

WHEREAS, attached to the original of this resolution is Estimate #15095 dated 7/26/19 for this work; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that a contract, for upfitting this vehicle shall be awarded as follows:

<u>Contractor</u>	<u>Price</u>
10-75 Emergency Lighting 14 First Avenue Unit 3 Haskell, New Jersey 07420	\$36,950.00

BE IT FURTHER RESOLVED that the Mayor, Municipal Clerk and all other appropriate officials are authorized and empowered to execute all documents necessary to effectuate the purposes of this Resolution

174-2019 Awarding Professional Service Contract For Professional Environmental Engineering Services/Maser Consulting/Environmental Commission/DeBlasio

WHEREAS, the Borough of Montvale's Environmental Commission has deemed it necessary to engage the professional services of an Environmental Engineer on an needed basis; 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, a proposal was submitted on August 22, 2019 by Gus DeBlasio of Maser Consulting for the Environmental Commission review and was accepted; and

WHEREAS, detailed proposal is attached to the original of this resolution and it is intent of the Environmental Commission to submit a request to the Chief Financial Officer for a transfer of unexpended funding from another department to be included in the Environmental Commission budget Other Contractual Fees line item in the amount of \$2,000 in November 2019; and

WHEREAS, budgeting for this type of Environmental Engineering services will be requested by the Environmental Commission to be provided to the Governing Body for reviewed and considered for funding in the 2020 municipal budget process upon the submission of a new proposal for year 2020 from Maser Consulting; and

WHEREAS, Maser Consulting, 331 Newman Springs Road, Red Bank, NJ 07701 shall be awarded the current contract amount of \$500.00; and

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.

175-2019 Authorize Refunds/Various Escrow Accounts/Inactive Accounts

WHEREAS, an audit was conducted of older escrow funds posted by various individuals and entities with the Borough of Montvale for various projects; and

WHEREAS, the Borough professionals take no exception to the release of the escrows on list attached to the original of this resolution for release of escrows; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the Municipal Treasurer is hereby directed to refund these escrows.

176-2019 A Resolution Authorizing the Borough of Montvale Police Department to Apply, Enroll and Participate in the Department of Defense Law Enforcement Support Office ("LESO") 1033 Program to Enable the Montvale Police Department to Request and Acquire Excess Department of Defense Equipment

WHEREAS, the Department of Defense Law Enforcement Support Office ("LESO") facilitates a law enforcement support program, which originated from the National Defense Authorization Act of Fiscal Year 1997; and

WHEREAS, Federal law permits the Secretary of the United States Department of Defense to transfer to municipal, federal and State agencies personal property of the Department of Defense that the secretary determines is suitable for use by agencies in law enforcement activities; and

WHEREAS, informally known as the "1033 Program", this initiative allows local law enforcement agencies to obtain, at little or no cost, surplus federal property, including vehicles, small arms, rescue equipment, medical supplies, and even office supplies originally intended for use by the United States Armed Forces; and

WHEREAS, although equipment is provided through the 1033 Program at no cost to municipal law enforcement agencies, these entities are responsible for costs associated with the maintenance, fueling and upkeep of this equipment, and for specialized training for its operation; and

WHEREAS, on March 16, 2015, Governor Christie signed Senate Bill No. 2364 (P.L. 2015, c.23), which now establishes, in the absence of federal requirements, a system of local oversight over local law enforcement agencies that participate in and acquire equipment through the 1033 Program; and

WHEREAS, pursuant to N.J.S.A. 40A:5-30.2a, municipal governing bodies must now authorize participation in the 1033 Program by a "resolution adopted by a majority of the full membership of the governing body of a local unit prior to transmittal of any such application to the State Coordinator" of the 1033 Program; and

WHEREAS, pursuant to N.J.S.A. 40A:5-30.2b, the acquisition of any property by a local law enforcement agency shall be approved by a "resolution adopted by a majority of the full membership of the governing body"; and

WHEREAS, the Chief of Police of the Montvale Police Department has requested that the Governing Body authorize the Police Department to participate in the 1033 Program; and

WHEREAS, the Governing Body of the Borough of Montvale has determined that it is in the best interests of the residents of the Borough of Montvale to authorize the Police Department to apply, enroll and participate in the 1033 Program.

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

1. The Chief of Police or his designee, on behalf of the Montvale Police Department, is hereby authorized and empowered to apply, enroll and participate in the Department of Defense Law Enforcement Support Office 1033 Program, with the authorization to participate terminating on December 31 of the current calendar year.

2. The Chief of Police shall be responsible for ensuring compliance with the requirements for participation as outlined in 10 U.S.C. 2576a for all controlled equipment.
3. The Montvale Police Department is hereby authorized to acquire items of non-controlled property designated as DEMIL A, which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any their supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Montvale Police Department, without restriction.
4. The Montvale Police Department is further authorized to acquire the identified "DEMIL B through Q" property on Exhibit A, attached hereto and expressly made a part hereof, if it shall become available in the period of time for which this resolution authorizes.
5. The Police Chief shall develop and implement a full training plan and policy for the maintenance and use of any acquired property; and
6. Pursuant to N.J.S.A. 40A:5-30.2b, the Chief of Police, or his designee, shall maintain an inventory of surplus property obtained under the 1033 Program, and shall provide a quarterly accounting of all property obtained through the 1033 Program, which shall be available to the public upon request; and
7. This resolution shall take effect immediately and shall be valid to authorize requests to acquire the above-identified DEMIL A property and DEMIL B through Q property that may be made available through the 1033 Program during the period of time for which this resolution authorizes, with Program participation and all property request authorization terminating on December 31 of the current calendar year.

177-2019 Amending Resolution No. 102-2019 To Establish Recreational Fees for Year 2019 / To add a new program / Pickleball

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 SKATING RINK:

Weekdays:

8:00AM - 2:00PM	Pickleball
2:00PM - Dusk	Roller/Street Hockey

Weekends:

8:00AM - 10:00AM	Pickleball
10:00AM - 2:00PM	Roller/Street Hockey
2:00PM - 5:00PM	Pickleball
5:00PM - Dusk	Roller/Street Hockey

BOROUGH OF MONTVALE**SEPTEMBER 10, 2019**

PROGRAMS:	RESIDENT	NON-RESIDENT
Basketball - 18+	\$50	\$75
Basketball - 30+	\$75	\$95
BollyX	\$80	\$100
BollyX- mini	\$40	\$50
Golf	\$105 per 6 week session	\$125 per 6 week session
Pickleball Clinic	\$50 per 3-week session \$20 per class drop-in fee	\$65 per 3-week session \$25 per class drop-in fee
Summer Camp: Grades 1-5	\$320/CHILD \$960/FAMILY MAX	\$380/CHILD \$1140/FAMILY MAX
Adventure Camp: Grades 6-7	\$400/CHILD	\$460/CHILD

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.

Tae Kwon-Do

Tae Kwon-Do - Youth	\$120	*\$180 (*space permitting)
Tae Kwon-Do – Adult	\$80	\$100
Tai Chi	\$80	\$100
Montvale Seniors Club Discount:	\$40	

	RESIDENT	NON-RESIDENT
Tennis Lessons- Adult/Child	\$80 per 6-week session \$65 per 5-week session	\$120 per 6-week session \$100 per 5-week session
Tennis Badges (Green Acres/ old) Approval Required)	\$30 Adult (Ages 18-61) \$10 Child (up to 17 yrs. old) \$50 Family max. Free Seniors 62+	\$60 Adult (Ages 18-61) \$20 Child (up to 17 yrs. \$100 Family max. \$10 Seniors 62+
RESIDENT/NON-RESIDENT: \$10 Fee for Replacement Tennis Badge		

Volleyball - Adult	\$50	\$75
Volleyball- Girls	\$80	\$100
Yoga	\$80	\$100
Yoga - mini	\$40	\$50
Adult Soccer	\$15 per 10-week session	\$20 per 10-week session

WHEREAS, Borough Owned Recreational Fields 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 1st.

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

FIELD USE: 2019	<u>Resident Team</u>	<u>Non-Resident Team</u>
Field Use- Ballfields- Baseball or Softball (Memorial, Fieldstone, or LaTrenta)	\$200 per season	\$400 per season
Field Use- Turf Field- Soccer or Lacrosse	\$25 per hour	\$50 per hour

(Fieldstone) ***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.

Turf Field Fees shall not exceed \$7,000 per season for any one organization. **Add 15% to total, if lights are requested at any field.

Corporation One Day Field Use \$ 200
\$ 400
(1 scheduled day plus 2 rain dates)

Tennis Courts Daily Group Rate: \$25/day (Maximum Reservation of 2 courts per location at any time).

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 hour time period, or any part thereof, that a field 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.

No credit for unused Field Time Slots

All organizational (i.e. club team) play will be considered a non-resident teams.

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, 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.

178-2019 Authorize Release of Escrow/Block 1501/Lot 21/78 North Kinderkamack Road

WHEREAS, Equity Estates, LLC/Ferrara/Giambona/ 78 North Kinderkamack Road is requesting a release in their Escrow in the amount of \$31,144.98; and

WHEREAS, an inspection of the site has been conducted by Borough Engineer, which previously recommended release; and

WHEREAS, a dispute previously arose between Equity Estates, LLC and S&A General Construction & Development, Inc. concerning the entity who was entitled to receive the remaining Escrow funds; and

WHEREAS, the aforesaid parties have executed a settlement agreement under which they have agreed to split the remaining Escrow funds, with the Borough paying the full amount to the Attorney Trust Account of Kevin Begley, Esq., and Mr. Begley thereafter releasing the funds to the appropriate parties; and

WHEREAS, the Borough shall therefore release the Escrow funds in accordance with and in reliance upon the settlement agreement and the correspondence provided by Mr. Begley

NOW THEREFORE BE IT FUTHER RESOLVED, The Borough Treasurer shall receive a copy of this resolution and the settlement agreement for processing, and payment shall be made to "Kevin J. Begley, Esq. Attorney Trust Account."

179-2019 Special Item Of Revenue And 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 \$35,100.00 from the Office of the County Prosecutor 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 \$35,100.00 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:

Office of the County Prosecutor:

Montvale Police Department Municipal Escrow Fund, and

BE IT FURTHER RESOLVED that a like sum of \$35,100.00 be and hereby appropriated under the caption of:

General Appropriations

(a)Operations Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

Office of the County Prosecutor:

Montvale Police Department Municipal Escrow Fund

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

180-2019 Professional Service Contract / Engineering Services and Professional Survey / Construction Administration Service/Clear Span Salt Dome Installation PVDPW Yard/Memorial Drive/Maser Consulting, LLC

WHEREAS, the Borough of Montvale is in need of engaging the professional services of an Engineer to provide professional survey, and Construction Administration services related to the installation of

the Salt Shed Dome Installation at the PVDPW Yard located on Memorial Drive within the Borough of Montvale; 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, Maser Consulting, 200 Valley Road, Suite 400, Mt. Arlington, NJ 07856 has submitted a proposal dated September 6, 2019 to provide these 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 and will be awarded to Maser Consulting; and
- 2) That the following be provided: Professional Survey and Construction Administration Engineering Services.
- 3) The cost not to exceed shall be \$14,000. 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.

Introduced by Councilmember Lane; seconded by Councilmember Arendacs - all ayes

181-2019 A Resolution Approving a Developer's Agreement with TSL PIKE

PREDEVELOPMENT LLC Premises Identified as Block 1102, Lot 2.01 in the Borough of Montvale

WHEREAS, TLS Pike Predevelopment, LLC ("Developer") owner of the premises known as Block 1102, Lot 2.01, made an application to the Planning Board for site plan approval; and

WHEREAS, the Planning Board approved the Development by resolution dated September 4, 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 September 10, 2019, between the Borough of Montvale, the Planning Board of the Borough of Montvale, and TLS Pike Predevelopment 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 Koelling - all ayes
Councilmember Curry asked for clarification of address; engineer stated its 110 Summit Ave

182-2019 A Resolution Awarding a Contract to ClearSpan for Provision of a New Salt Shed, Contract #030117-CSS, Through the Sourcewell Cooperative Purchasing Agreement

WHEREAS, the Borough of Montvale has a need to procure a new Salt Shed for the storage of salt for treating roadways during in the event of winter weather; and

WHEREAS, consistent with P.L. 2011, c.139, and N.J.S.A. 52:34-6.2(b), the Borough is desirous of awarding this contract through a national cooperative purchasing agreement; and

WHEREAS, the Borough Engineer did solicit a quote from ClearSpan under the Sourcewell Cooperative Purchasing Agreement, which the Borough had previously joined as a member; and

WHEREAS, ClearSpan submitted a proposal for the provision of the Salt Shed under Contract #030117-CSS, in the amount of \$48,670.62; and

WHEREAS, it was also determined that ClearSpan had submitted all required documentation for this contract; and

WHEREAS, consistent with P.L. 2011, c.139, the Borough Engineer did conduct a cost savings determination justifying the award of this contract under a national cooperative contract; and

WHEREAS, ClearSpan will be required to submit to the Borough a copy of its New Jersey Business Registration Certificate, Statement of Corporate Ownership, and Public Contract EEO Compliance, as well as all required political contribution disclosure forms, prior to execution of a contract; and

WHEREAS, the Borough provided notice to the public and potential bidders of its intention to make this award by way of a Notice of Intent to Award a Contract under a National Cooperative Purchasing Agreement, a copy of which notice is on file with the Borough Clerk, in advance of this award; and

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

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

Bidder	In the amount of:
ClearSpan	\$48,670.62
1395 John Fitch Boulevard	
South Windsor, CT 06074	

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute a contract to effectuate the purposes of this Resolution, subject to approval by the Borough Attorney.

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

170-2019 A Resolution Condemning Hate and Supporting Diversity in the Borough of Montvale

WHEREAS, the Declaration of Independence declared that America is based upon a covenant of equality, government by the consent of the people, and the right to life, liberty and the pursuit of happiness; and

WHEREAS, the First Amendment to the Constitution established the United States as a nation committed to the principles of tolerance and religious freedom, and the 14th Amendment enshrined the concept of equal protection of the laws as a foundational principle of justice in the United States; and

WHEREAS, adherence to these principles is vital to the progress of the American people and to the strengthening of the diverse cultures, religious groups and communities in the United States; and

WHEREAS, bigotry, oppression, racism and unlawful discrimination have no place in American political discourse, regardless of one's political affiliation; and

WHEREAS, in the past several years, there has been an increase in reports throughout the country of violent crimes, threats of violence, and other incidents of hate-motivated targeting of individuals and groups based upon religion, race, ethnicity and sexual orientation; and

WHEREAS, the Borough of Montvale is committed to fostering an inclusive and hate-free environment.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Montvale, that hate has no place in the Borough of Montvale, and all people are welcome in the Borough regardless of race, ethnicity, religion or sexual orientation.

Introduced by Councilmember Lane; seconded by Councilmember Curry - all ayes

BILLS: Municipal Clerk read the Bill Report.

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

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

COMMITTEE REPORTS:

Councilmember President Gloeggler

TV Access

Next interview will be on September 17th with Ree Hopper, she will be talking about her book, Images of America- Montvale Edition; Also the borough engineer, Andy Hipolit, will be talking about sanitary sewers and what can and cannot be thrown into the sewer system.

Regional BOE

Thanked the two students representatives Sean and Kylie, they update the board of what is going on at the school; the district had 12 projects over the summer, one was the installation of new security features; a side note, it will cost \$22,000 for a student outside the district to attend Pascack Hills for one year;

Councilmember Curry

Construction

\$372,700 in total fees; 920 permits were issued; installed a new permit issuing software program because the State of NJ will no longer be offering their permit software program currently being used; 21 property violations were issued.

BOH

Flu clinic will be held on Saturday, Oct 5 at the community center

Senior

180 members; having a picnic BBQ on Thursday, September 12 at Huff Park

Planning Board

Many small businesses are moving into Montvale; mentioned to councilmembers to review the draft ordinance included in their packets regarding sports courts in the R40 zone, currently its states your property is 40,000 square feet would like to decrease it to 38,000.

Chamber of Commerce

Successful Street Fair

Councilmember Lane

Fire Dept

24 fire calls; 2 drills; thanked council for approving the lighting for the Chief's vehicle

Finance

Suggested to start the budget process earlier this year because of our current CFO's retirement and the hiring of a new CFO;

Councilmember Arendacs

DPW

Some changes to the Recycle center, items will be dumped directly into a garbage truck, oil will no longer be accepted, along with electronics; commercial landscaping trucks are not allowed to dump yard waste; the DPW is busy with ongoing maintenance of the roads and fields;

Any questions, comments or complaints, please reach out to Terri 201-664-2346 extension 1400, Rich Campanelli on extension 1401, Montvale borough hall at 201-391-5700 or email Councilmember Arendacs

Engineering

Road program has been completed; moving along with new salt shed

Councilmember Koelling

Police

Monthly report included in original minutes;

Tri-Boro

Montvale logged: 50 calls; 680 miles; 62.25 crew hours

Environmental Commission

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; thanked the EC, the boy scouts and some members of the Fire department for their efforts in removing the algae at Huff pond;

Councilmember Russo-Vogelsang

Local BOE

Several teachers participated in training sessions over the summer; several upgrades were completed; all rooms at Memorial school now have air condition thanks to the PTO;

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; Halloween Carnival will be held Friday, October 25 from 7 to 8:30pm at Fieldstone Middle School

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

Pickleball Courts

Currently exploring the idea of starting a Pickleball club; for the Fall, a 3 week pickleball clinic is being set up;

Fall programs have begun

Mayor's Report

Met with Suez, as of now Montvale should be lead free; any home built before 1985 about 15% of those homes might have lead inside the house; Suez is offering free inspections; 20 streets and 215 homes were effected; 9/11 ceremony will be held at 7pm; met with the County about Open Space Grants which the borough does apply for;

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

- a. Report Status 2019 Road Improvement Program

Program is completed

- b. Authorize Professional Service Contract Maser/Preparation of Specifications/Bid Documents/Salt Shed/Labor

Resolution approved this evening

- c. Recommended Salt Shed/Cooperative Purchase/Sourcwell/ClearSpan Fabric Structures

Resolution approved this evening

- d. LaTrenta Field Update

Ready to go to bid in October with construction anticipated in the winter months;

Councilmember Curry mentioned that the road signs by Grand Ave and School #2 are crooked also there are signs at the intersections of Grand and Kinderkamack that are blank; Mr. Hipolit stated he can take a look and bring it to the County's attention

ATTORNEY REPORT:

Joe Voytus, Esq.
Report/Update
No Report

UNFINISHED BUSINESS:

None

NEW BUSINESS:

a. Certificate of Determination and Award/Local Bond Law/Notes

For councils review

b. Proposed Draft Sports Court Ordinance/Introduction 9-24-19

For councils review; Mr. Voytus stated that the next step would be to notify the Planning Board of the change and get their recommendation before introducing the ordinance.

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 Curry
- all ayes

Carole Adams

Once again bringing to your attention about the removal of deer caucus in timely manner; hoping the high school will participate in the snow angel program again this year; PARCC testing will continue until 2022; Car wash fundraiser this Saturday 8am-2pm at the high school for the GaGa courts; Refer to Chris Roche's facebook page, he wrote something eloquent about 9/11; mentioned her husband contracted cancer as a result of the 9/11 attacks, her son wrote articles regarding "Don't ignore an unusual ache or pain if you were down in the area of the Trade Center"

Matt Solomon

Thank for passing the resolution on hate; mentioned that a deeply conservative Islamic city in Bosnia held a Pride event, if they can go out on a limb, it doesn't seem too much to ask Montvale to go the same.

Kari Solomon

Raising the pride flag is the right thing to do; LGBTQ inclusion has positive economic benefits, some major corporations like Visa, Coca-Cola, Google, Apple and IKEA to name a few, have all discovered it pays to invest in culture; when North Carolina passed its HB2 bathroom bill the state lost approximately 630 million dollars in cancelled events, the law was repelled the following year; we need to fly the Pride flag to ensure Montvale is a type of community corporations want to be a part of, the kind that celebrates its diversity without apology.

Gay/Straight Alliance

A few students spoke on behalf of the club; stating that suicide is the highest among teenagers, especially in the LGBTQ community and that flying the Pride flag would show them that the people in their town support them, that could mean the world; this is not a political issue in any way, shape or form, by denying the Pride flag is turning down young people of this town who simply want to be accepted.

Carol Loscalzo

Stated that the suicide rate in the LGBTQ community is so high, there are still many people including adults who cannot come out simply do to fear; by flying the Pride Flag, it will make them feel safe in their own community; Wanted to know the status of the ordinance, cannot find it on the website; the clerk will email it; Mayor Ghassali mentioned that an informal town hall meeting has been scheduled for Monday, September 16 to discuss this topic and any other issues and/or concerns

Jarret Schumacher

Need to show that we are an inclusive town; with Halloween approaching, mentioned that there are some street lights out in town; Mayor Ghassali stated that there is a link on the website to report that a street light is out.

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

Councilmember Curry wanted to remind everyone about the Library's annual book sale being held on September 21 and 22

ADJOURNMENT

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

Meeting was adjourned at 9:02pm

The next Meeting of the Mayor and Council will be held September 24, 2019 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk