

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:32PM. Adequate notification was published in the official newspaper of the Borough of Montvale.

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 Deputy Municipal Clerk, Fran Scordo

ROLL CALL:

Councilmember Arendacs
Councilmember Curry
Councilmember Koelling

Councilmember Lane
Councilmember Roche
Councilmember Russo-Vogelsang -absent

This meeting was conducted through Zoom teleconference.

SWEARING IN: Andrew Fedick/Sergeant/Montvale Police Department

Proclamations Honoring:

Dick and Lynn Curtin
Lisa Anastasio

ORDINANCES:

PUBLIC HEARING ORDINANCE NO. 2020-1484 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 4 OF THE BOROUGH CODE TO PROHIBIT THE CONSUMPTION OF ALCOHOL AND THE POSSESSION OF OPEN ALCOHOL CONTAINERS IN PUBLIC PLACES

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

Section 1. Chapter 4, "Alcoholic Beverages," of the Borough Code is hereby amended and supplemented by adding a new Article III, "Public Consumption," as follows:

Article III – Public Consumption

- §4-28 Definitions.**
- §4-29 Public consumption restricted.**
- §4-30 Possession; presumption of intent.**
- §4-31 Exception.**
- §4-32 Violations and penalties.**

Article III – Public Consumption

- §4-28 Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

ALCOHOLIC BEVERAGE - Any liquid intended for human consumption containing more than one-half of one percent (1/2 of 1%) of alcohol by volume.

PUBLIC PLACE - A place to which the public or a substantial group of persons has access, including but not limited to any highway, street, road, sidewalk, parking area, shopping area, place of amusement, playground, park or beach located within the Borough, except that the definition of a "public place" shall not include those premises duly licensed for the sale and consumption of alcoholic beverages on the premises or within their own private property.

§4-29 Public consumption prohibited.

No person shall drink or consume an alcoholic beverage or possess, with intent to drink or consume, an open container containing an alcoholic beverage in any public place except at a block party, festival or similar function for which a permit has been issued by the Borough.

§4-30 Possession; presumption of intent.

Possession of an open container containing an alcoholic beverage by any person shall create a rebuttable presumption that such person did intend to consume the contents thereof in violation of this Article.

§4-31 Exception.

Nothing in this Article shall be deemed to prohibit the consumption of an alcoholic beverage in any duly-licensed establishment whose certificate of occupancy extends upon a street.

§4-32 Violations and penalties.

Any person who violates the provisions of this Article shall be punished as provided in Chapter 1, Article II, General Penalty.

Section 2. 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 3. Effective date.

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

Section 4. 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 2020-1484** by Councilmember Curry; seconded by Councilmember Lane; Clerk read by title only.

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

Jarrett Schumacher

Is it currently legal to walk around with open containers in the borough; The borough attorney stated there is a gap in the current code and that is why the police wanted an ordinance to address it.

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Koelling
- All ayes

Motion to adopt on Second and Final Reading in Ridgewood News by Councilmember Lane; seconded by Councilmember Roche - 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 Koelling – all ayes

Jarrett Schumacher

Regarding the basketball resolution and the badges, how will it be enforced; Mayor Ghassali stated right now we will use the honor system; Councilmember Arendacs added by saying he hasn't heard of any complaints since the signs have been posted; Mr. Schumacher stated why add the badges if there haven't been any issues; the borough attorney stated that there is nothing being change with this ordinance, it is only to give the recreation director the ability to regulate camps and/or personal training sessions; lastly, the shirts being worn at all times seems to be unnecessary, especially with the fines being \$150.00.

Carolee Adams

Regarding basketball, shirts being worn is not an uncommon request;

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

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

June 30, 2020

A motion to accept minutes by Councilmember Lane; seconded by Councilmember Arendacs – all ayes

RESOLUTIONS: (CONSENT AGENDA*)

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

123-2020 Authorize Release of Escrow / H Plus Inc. /Block 703/Lot 7/Valley

WHEREAS, H Plus, Inc. 42 Wheeler Avenue, Pleasantville, NY 10570 located at 133-149 Kinderkamack Rd., Montvale, NJ 07645 has requested release of escrow posted for Block 1703/Lot 7; 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 to H Plus Inc. in the amount of \$478.50; and

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

124-2020 Authorize Release of Escrow / V & R Developers/Block 403/Lot 2/99 Spring Valley Road

WHEREAS, V & R Developers located at 99 Spring Valley Road, Montvale, NJ 07645 has requested release of escrow posted for Block 402, Lot 2 address of 99 Spring Valley Road, Montvale; 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 to V & R Developers in the amount of \$165.62; and

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

125-2020 Award Professional Service Contract / Tier A – Municipal Stormwater Permit Reporting Maser Consulting, LLC

WHEREAS, the Borough of Montvale is required to perform inspections on all stormwater outfalls by May 2019. This requirement deems it necessary to engage the professional services of an Engineer to provide inspection services for the Montvale's Tier A- Municipal Stormwater General Permit; 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, Inc. 400 Valley Road, Suite 304, Mt. Arlington, NJ 07856 has submitted a proposal dated June 26, 2020 which is attached to this resolution; and

WHEREAS, Maser will perform Tier A Municipal Stormwater Permit Preparation, NJPDES Tier A MS4 NJDES New Requirements Implementation and Tier A MS4 Outfall Pipe Map Preparation, the cost is not to exceed \$50,000.00; and

WHEREAS, the Certified Municipal Finance Officer certifies funds are available said certification is hereto attached to the original of this resolution; and.

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

126-2020 Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the VARIOUS STREETS PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Montvale formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2021-VARIOUS STREETS-00369** to the New Jersey Department of Transportation on behalf of the Borough of Montvale.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Montvale and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement

127-2020 Approve Change Order #1 Dakota Excavating Contractor Inc. for the La Trenta Field Improvements Sprinkler System

WHEREAS, the Borough of Montvale awarded a contract on December 30, 2019 via resolution No. 222-2019 to Dakota Excavating Contractors, Inc. in connection with the LaTrenta Field Improvements; and

WHEREAS, the Borough Engineer in a detailed letter dated July 9, 2020 recommends Change Order #1 in the amount of \$70,000.00 as an increase to the contract as indicated in the letter attached hereto for the replacement the existing sprinkler system; and

WHEREAS, Change Order #1 is hereby authorized to be issued to Dakota Excavating in the amount of \$70,000.00; and

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

Total Contract Base Bid Amount Including Alternate A & B	\$351,289.00
Change Order #1 Reso. #127-2020	\$ 70,000.00
New Adjusted Project Total	\$421,289.00

129-2020 Refund of Portion of 2nd Quarter 2020 Taxes and the Cancellation of the 3rd Quarter 2020 Taxes and All Future Taxes Due to Granting of Totally Disabled Veterans Status of the Dept of Veterans Affairs

WHEREAS, this resolution authorizes the municipality to refund a portion of 2nd quarter 2020 taxes and cancel 3rd quarter 2020 taxes and all future taxes due to the granting of totally disabled veteran

status by the Department of Veterans Affairs per the Department's letter dated June 8, 2020 for E. Charles Wehrle. Mr. Wehrle is the owner of 26 Old Chestnut Ridge Road, Block 902, Lot 21.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to refund Mr. Wehrle \$1,411.40 and to cancel 3rd quarter 2020 and all future taxes as per the above.

130-2020 Authorize Tax Appeal Settlement / 11 Cider Mill Court, Block 2601, Lot 32.07 / Sikand

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property tax appeal filed by Amrik S. & Maninder Sikand (hereinafter the "Tax Appeal"), under Docket Number 012331-2019, and;

WHEREAS, the aforesaid Tax Appeal involves a residential property located at 11 Cider Mill Court, and is otherwise designated as Block 2601 Lot 32.07 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, the Borough Appraiser and the Borough Tax Assessor, and;

WHEREAS, the proposed Tax Appeal settlement will reduce the Subject Property's 2019 assessment to \$1,566,600, and;

WHEREAS, it is in the best interest of the Borough to settle the subject Tax Appeal in accordance with the settlement terms 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 herein, and;

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Borough Clerk, Borough Tax 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.

131-2020 Appointment Chief Financial Officer/Ken Sesholtz

WHEREAS, due to the resignation of Rebecca Overgaard, 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 Kenneth Sesholtz to serve as the Chief Financial Officer for a Four Year Term; and

WHEREAS, Ken Sesholtz has been the certified Chief Financial Officer for the Borough of Montvale since January 1997; He retired from the Borough of Montvale in November 2019; and

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale to appoint

Ken Sesholtz as the Borough of Montvale's Certified Municipal Finance Officer to commence on July 15, 2020

for a Four-Year term.

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

128-2020 A Resolution Approving Regulations for the Use of the Montvale Basketball Courts

WHEREAS, the Borough of Montvale, through the adoption of Ordinance No. 2018-1454, established certain standards concerning the use of public basketball courts in the Borough; and

WHEREAS, as contemplated by said Ordinance, the Borough is desirous of adopting rules and regulations concerning use of the facilities, including annual badge fees, to better regulate the use of the courts; and

WHEREAS, the Recreation Director has drafted rules and regulations concerning the basketball courts, which have been found acceptable to the Borough Council.

NOW, THEREFORE, BE IT RESOLVED that the Montvale Basketball Courts rules and regulations attached hereto and made a part hereof are hereby approved by the Borough Council.

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

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

Councilmember Curry asked is there a way to have someone at the community center to distribute the badges; Mayor Ghassali added do we really need to use badges; the borough attorney clarified that this resolution was not about badges it was about the camps and private training sessions; After a brief discussion, councilmembers all agreed that as far as the badges are concerned, they will not be issued at this time and it can be modified as we see fit.

132-2020 A Resolution Establishing the Montvale Diversity and Inclusion Committee

WHEREAS, the Borough of Montvale is committed to celebrating the positive contributions of residents, regardless of race, religion, gender, ethnicity, ability or sexual orientation; and

WHEREAS, in furtherance of this goal, the Borough Council is desirous of establishing the Montvale Diversity and Inclusion Committee (the "Committee") on an *ad hoc* basis for the year 2020, with the intention of establishing same as a permanent Council Committee for the year 2021 and beyond; and

WHEREAS, the Committee would have as its primary purpose the celebration of varied populations and uniting the Borough through the appreciation of these diverse and unique backgrounds; and

WHEREAS, the Committee would be responsible for, among other things:

- Making recommendations to the Mayor & Council with respect to identifying opportunities to address issues of diversity and inclusion, promoting diversity and inclusion programs, and/or providing guidance to create a more equitable, accessible, safe, welcoming and inclusive town and community
- Encouraging residents from diverse communities to increase their involvement in town activities and existing boards and committees
- Providing feedback and recommendations to enhance and celebrate our diverse community
- Collaborating with our Recreation Department and Special Events Committee to organize events that celebrate diversity and promote inclusion and to help existing events appeal to a diverse audience
- Working with the Chamber of Commerce to promote diversity in the local business community
- Organizing public forums for residents to discuss issues concerning diversity and inclusion
- Creating a connection with other diversity and inclusion groups in the Pascack Valley region, such as Pascack Valley Student Equity Group and similar committees in other towns
- Sourcing funding through grants for matters surrounding diversity and inclusion; and

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WHEREAS, the Committee will be tasked to meet no less than once per month for the remainder of 2020 to discuss and promote the goals and objectives discussed above; and

WHEREAS, for the year 2020, the members of the Committee shall be appointed by the Mayor, with the future composition of the Committee and the powers of appointment to be determined at a later date upon the establishment of a permanent Council Committee.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Montvale, that the Montvale Diversity and Inclusion Committee is hereby established as an *ad hoc* committee for the year 2020, with the powers of appointment to be vested in the Mayor.

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

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

Riley Solomon

Thanked the Mayor and Council, very excited to start.

Resident (Inaudible Name)

This is a good idea

Jarret Schumacher

Is this temporary for this year and then it will be voted on for next year? Mayor Ghassali stated it will have to be added to the By-Laws; Can this committee have a self-nominating process to join?

Councilmember Lane stated if this will be a standing committee, going forward, it would have to be included in the budget for funding.

Carolee Adams

Consider adding “Unity” in the title of the committee; suggested to put the draft of the resolution on the borough’s website; please include age in the various groups.

Kari Solomon

Age is definitely a factor in diversity, our seniors in the Borough of Montvale are represented well by a fully funded organization.

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

Mayor Ghassali stated, that we will make sure everyone is included. He also added that Councilmember Russo-Vogelsang will be the liaison for this committee. All councilmembers agreed with the resolution;

BILLS: Municipal Clerk read the Bill Report.

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

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

COMMITTEE REPORTS:

Council President Arendacs

Engineering

2020 road program will be completed in the next few weeks; salt shed will be completed in September; turf will be installed at LaTrenta soon; installed welcome to Montvale signs on Fox Hill Road and Wren Way right at the border.

DPW

Working on the fields; trimmed tree line at LaTrenta Field; raked the Fieldstone Turf; picking up a lot of trash at Fieldstone and in the streets near the Wegmans area; they have been cleaning and sanitizing the playgrounds and bathrooms. Recycle Center is open Mon, Wed and Sat between 8am-3pm.

Construction

Total fees received \$232,000; 122 permits were issued;

Councilmember Lane

Fire Dept

20 fire calls, 1 drill and 2 extra credits; Suez has begun flushing out fire hydrants; there was an incident in one of the neighboring towns regarding a gun shot that was directed at a firehouse, the Chief has asked if the Police can keep an eye out.

Finance

It is the second half of the year, it is time to start thinking about the budget; The clerk added by saying thank you to Rebecca Overgaard for being the CFO and happy to have Ken Sesholtz back as CFO.

Councilmember Roche

Environmental Commission

Pascack Trail has been approved, waiting on the permits; the boy scouts will begin on August 1; Plastic bags can be dropped at the recycle center and the community center, also looking for volunteers to bring the bags to Stop and Shop in Nanuet; Thank you to Lisa Anastasio.

Recreation

Permits to use Fieldstone field will be issued next week; thanked Dick and Lynn Curtin for their years of volunteering for the recreation committee.

Councilmember Curry

Website

Please contact Rose Curry at rcurry@montvaleboro.org or Carol Manhart at cmahart@montvaleboro.org

Planning Board

New plumbing supply company moving into the old Hartel company and they will be keeping most of the Hartel employees; Waypoint will continue to present to the board;

Senior Club

Bocce court is up and running on Tuesdays and Wednesdays; made it a point to reach out to all the members during quarantine.

Councilmember Koelling

Police

Monthly report included in original minutes; congratulations to Andrew Fedick; the Police Chief stated he received a lot of applications to hire a new police officer.

MAYOR

BOROUGH OF MONTVALE

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Covid numbers are looking very well; let's not take it for granted; small businesses can apply for a grant with the county; the Mayor receive a donation of 500 masks; outdoor dining is working; the Mayor's Charity fund has received \$6,500 in contributions and \$1,000 in gift cards. Thanked all who donated.

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

There are a numbers of projects going on in town and he urged the residents to stay away from workers from both a health perspective and a work perspective, if you have questions, do not ask the workers, please call borough hall. Your cooperation is appreciated.

Just notified that there is a sink hole by Spring Valley and Akers Ave right on the culvert, it will be repaired tomorrow

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 Lane; seconded by Councilmember Koelling
- all ayes

Carolee Adams

Asked if the Mayor submitted a letter to the BOE regarding what will be the financial costs involving with changing the mascots; Mayor Ghassali stated that all four towns need to be on board first before submitting a letter. Mayor also added that he has a meeting with the mayors this week and he will further discuss it; National Day of the Cowboy is the fourth Saturday in the month of July, 15 states adopted legislation on it, including the US Senate adopting a resolution. Would like Montvale to consider adopting a resolution similar to that. Very thankful to the police department and the officers we have; would like to encourage people to go to their doctors and not be in fear of Covid, doctors are suffering for lack of patients; lastly, there is a big event in the sky tonight, comet.

Dean

Would like to congratulate Sgt. Fedick and commend the police department for doing a great job; interested in getting involve in the community; since working from home, he hears the fire siren going off, near Valley View, can it be moved; Mayor Ghassali stated right now it has been shut off between the hours of 11pm – 6am, it does not go off unless it's a working fire; Councilmember Lane stated the siren is used along with the pagers and dispatch; he added that moving it, is a cost issue along with “not in my backyard” syndrome.

Frank DiPalma

Thanked Dick & Lynn Curtin for their years of service on the recreation committee;

Jarett Schumacher

Asking a for a person on facebook live, what is the timeline of the Mercedes Property, Mayor Ghassali stated he does not have a timeline.

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT

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

Meeting was adjourned at 9:00pm

ADJOURNMENT:

The next Regular Meeting of the Mayor and Council will be held July 28th, 2020 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk