

**MINUTES  
WORK SESSION**

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:39PM. Adequate notice 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 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).

**ROLL CALL:**

Councilmember Arendacs  
Councilmember Curry - absent  
Councilmember Koelling

Councilmember Lane  
Councilmember Roche  
Councilmember Russo-Vogelsang

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

**ORDINANCES:**

None

**MINUTES:****September 14, 2021**

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

**CLOSED/EXECUTIVE MINUTES:****September 14, 2021**

A motion to accept closed session minutes by Councilmember Lane; seconded by Councilmember Russo-Vogelsang – 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.

**144-2021 Refund Tax Overpayment / Block 2601; Lot 32.01 QC0036/ 36 Cider Mill Road**

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

**WHEREAS**, the owners of the property located at 36 Cider Mill Court, and is otherwise referred to as Block 2601 Lot 32.01 Unit C0036 on the tax assessment map of the Borough in the name of Robert T. & Shirlee Caruso, have been successful in their Tax Court Appeal; and

**WHEREAS**, as a result in refund of an overpayment of property taxes for the year 2020 in the amount of \$486.20; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to refund in the amount of \$486.20

payable to Spiotti & Associates, P.C. – Attorney Trust Account, 271 U.S. Highway 46, Suite F105, Fairfield, NJ 07004-2471

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

**145-2021 Tax Appeal Settlement/Block 908/Lot 8/10 Candlelight Drive/S. Kennis**

**WHEREAS**, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Scott Kennis (hereinafter the “Tax Appeal”), under Docket Number 007228-2020; and,

**WHEREAS**, the aforesaid tax appeal involves a residential property located at 10 Candlelight Drive, and is otherwise referred to as Block 902 Lot 8 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 proposed Tax Appeal settlement would adjust the subject properties’ property tax assessment from \$1,083,600 to \$1,073,600 for the 2020 tax year; and,

**WHEREAS**, the provisions of N.J.S.A. 54:51A-8 (the “Freeze Act”) are expressly waived for the 2021 tax year; 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 is hereby approved; 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.

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

**146-2021 A Resolution Declaring an Emergency Affecting Public Health, Safety and Welfare and Awarding an Emergency Contract to Downes Tree Service, Inc. Pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1**

**WHEREAS**, the Borough Engineer by letter report dated September 28, 2021, advised the Borough that due to recent weather events including most specifically Hurricane Ida, the Pascack Brook has a large number of trees and other debris within its banks; and

**WHEREAS**, this debris, some of which collected near the Grand Avenue Bridge, has contributed to localized flooding and would likely exacerbate any additional flooding in the event of another significant rain event and/or cause debris to flow downstream, potentially causing damage to bridges including those at Magnolia Avenue and Grand Avenue; and

**WHEREAS**, maintaining the Pascack Brook in a manner relatively free from debris is essential to public health and safety of the residents of Montvale, and the present state of the Pascack Brook poses a threat to local residents, roadways, bridges and other structures in the vicinity of the Pascack Brook; and

**WHEREAS**, the Borough Engineer advised that the condition represents a danger to the health and safety of the general public; and

**WHEREAS**, based upon the advice of the Borough Engineer, conducting a full public bidding process would delay the execution of the critically necessary clearing and repair by a minimum of six (6) to eight (8) weeks, during which time any significant rainfall event could cause flooding and/or damage to critically-important roadways and bridges; and

**WHEREAS**, the Borough Engineer did therefore solicit a proposal from Downes Tree Service, Inc. to identify the debris to be removed from the Pascack Brook, restore the streamflow, and transport the materials off-site pursuant to NJDEP guidelines; and

**WHEREAS**, it has been impracticable to obtain additional quotes due to the inability to get a contractor to spend the hours on-site necessary to walk the stream and produce a quote, likely due to the fact that many contractors in the area are particularly busy with other storm cleanup projects; and

**WHEREAS**, Downs provided a proposal dated September 14, 2021, to perform the scope of work set forth above, which provides for rates of \$5,850/day for the crew and \$1,800/day for equipment; and

**WHEREAS**, this work will be conducted on a *per diem* basis, with the work to be performed only that which is necessary to address the scope of the emergency, with an estimated cost of \$60,000; and

**WHEREAS**, it is the opinion of the Borough Engineer that the scope of said contract is intended only to meet the immediate needs of the emergency, and that there is no feasible way to minimize the scope of services for this contract under the circumstances; and

**WHEREAS**, this emergency situation could not have been reasonably foreseen by the Borough; and

**WHEREAS**, as a result of the Borough Engineer's September 28, 2021 report, the Borough Administrator is satisfied that the situation constitutes an "imminent emergency" for purposes of N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1; and

**WHEREAS**, the Borough Council is satisfied based upon the letter report from the Borough Engineer dated September 28, 2021, that the conditions in the Pascack Brook represent a danger to the health and safety of the general public and thus constitute an "imminent emergency" for purposes of N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1; and

**WHEREAS**, the Borough Council is desirous of awarding a contract to Downes Tree Service, Inc. at the rates set forth in the September 14, 2021 proposal, not to exceed \$60,000.

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

1. The recitals set forth above are incorporated herein as if set forth at length.
2. The Borough Council hereby declares that the situation at the Pascack Brook constitutes an "imminent emergency" justifying the use of emergency procurement procedures.
3. The contract with Downes Tree Service, Inc. as set forth above is hereby awarded, and the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute all documents necessary to effectuate the provisions and purposes of this resolution.
4. A copy of the September 28, 2021 letter report from the Borough Engineer shall be filed in the minutes along with this resolution.

Introduced by: Councilmember Russo-Vogelsang; seconded by Councilmember Roche – a roll call was taken - all ayes with the exception of Councilmember Lane abstaining.

The borough engineer gave a brief explanation, stating he walked the entire length of the brook with Downes Tree Service to determine which trees were hazardous; FEMA will reimburse 75% of the cost.

**BILLS:** *Municipal Clerk read the Bill Report*

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

**ENGINEER'S REPORT:**

Andrew Hipolit

Report/Update

- a. Huff Park Girl Scout Pollinator Garden / Bob Hanrahan Request

The girl scout group and the Environmental Commission feel that the pollinator garden is too close to the new bocce ball courts. They are asking if the garden can be moved to behind the senior center by the shed. Councilmembers agreed.

b. Emergency Curbing Installation / Highland Road and Woodland Road

The curbing by the church on Woodland Road needs to be done. It will be included in this year's road program

**ATTORNEY REPORT:**

Joe Voytus, Esq.

Report/Update

No Report

**UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

a. Mayor Appointment new member Environmental Commission / Antonio Vozzolo

Councilmembers agreed to the appointment as an Alternate #2 member

b. School Election on December 14

The clerk mentioned there is a special school election scheduled for December 14 which is the same day as the council meeting. Council chambers is now a polling location, the clerk was asking to change the council meeting to Thursday, December 16 – all councilmembers agreed.

c. Mayor Ghassali / New Committee to meet with the FAA

Mayor Ghassali is asking for one councilmember and a few residents who would like to be on this committee to meet at Teterboro Airport once a month to discuss the air traffic patterns over the Pascack Valley Region

**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.

A motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Koelling – all ayes

Steve Fischer

What is the timing to re-evaluate the recreation fees; Mayor Ghassali stated once a year in January

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

**ADJOURNMENT:**

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

Meeting adjourned at 8:02pm

The next Meeting of the Mayor and Council will be held on October 12, 2021 at 7:30pm in person and on Zoom

**Respectfully submitted, Fran Scordo, Deputy Municipal Clerk**