

PUBLIC MEETING
MINUTES

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:33 PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Master Sergeant Dieter Koelling led the Pledge of Allegiance to the Flag, and roll call was taken.

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting was provided to The Bergen Record informing the public of the time and place according to the provisions of the Open Public Meeting Law (Chapter 231, P.L. 1975).

Also Present: Mayor Mike Ghassali; Borough Attorney, Joe Voytus; Borough Engineer, Andy Hipolit; and Deputy Municipal Clerk, Fran Scordo

ROLL CALL:

Councilmember Arendacs
Councilmember Cudequest
Councilmember Koelling

Councilmember Lane
Councilmember Roche
Councilmember Russo-Vogelsang - absent

ORDINANCES:

PUBLIC HEARING ORDINANCE NO. 2022-1518 CALENDAR YEAR 2022 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the governing body of the Borough of Montvale in the County of Bergen finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the governing body hereby determines that a 1.0% increase in the budget for said year, amounting to \$120,196.96 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the governing body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the governing body of the Borough of Montvale in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Montvale shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$420,689.36, and that the CY 2022 municipal budget for the Borough of Montvale be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

A motion Introduced for second reading **Ordinance No. 2022-1518** by Councilmember Cudequest; seconded by Councilmember Lane; Clerk read by title only.

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

No Public Comment

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

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

MEETING OPEN TO PUBLIC:

Agenda Items Only

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

No public comment

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

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

March 29, 2022

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

CLOSED/EXECUTIVE MINUTES:

None

RESOLUTIONS: (CONSENT AGENDA*)

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

80-2022 Authorize Hiring / Part Time on Call / Crossing Guard / Patricia Drum

WHEREAS, the Montvale Police Department desires to hire a part-time on call crossing guard in the Borough of Montvale; and,

WHEREAS, Patricia Drum has met the qualifications for this position, agrees to the terms and conditions of employment; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that the above-named individual is hereby appointed to the position of Part-time on Call Crossing Guard, effective April 12, 2022.

81-2022 A Resolution Awarding a 1 Year Maintenance Contract to Air Systems Maintenance for the Montvale HVAC Units

WHEREAS, the Borough of Montvale has a need for preventative maintenance services in connection with the Montvale HVAC Upgrades for the Montvale Municipal Building and Senior Center; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that a contract for the covered maintenance services is outlined in the attached contract dated February 2, 2021 and shall be awarded to Air Systems Maintenance, Inc. 718 Jefferson Avenue Kenilworth, New Jersey 07033 in the amount not to exceed \$24,082.00; and

BE IT FURTHER RESOLVED that the Borough Administrator /Municipal Clerk are hereby directed, authorized and empowered to execute this contract and Christopher Gruber, Construction Code Official/ Buildings & Grounds is hereby directed to oversee this preventive maintenance contract with Air Systems Maintenance on behalf of the Borough.

82-2022 A Resolution Awarding a Contract to Bergen Brookside Towing for the Designation as Official Police Towing Service

WHEREAS, the Borough of Montvale has a need to designate an official police towing service for the Borough of Montvale; and

WHEREAS, consistent with the New Jersey *Local Public Contract Law*, N.J.S.A. 40A:11-1, et seq., the Borough of Montvale did publicly solicit bids for this contract under the title "Designation as Official Police Towing Service," with bids due in April of 2022; and

WHEREAS, in response to said solicitation, the only bid received was from Bergen Brookside Towing Corp., calculated according to the stated methodology in the bid specifications to be \$5,650.00, however any and all payments to Bergen Brookside Towing shall be in accordance with the schedule of prices set forth in the bid for each specific call; and

WHEREAS, after review of the bids received, it was determined that Bergen Brookside's bid was responsive to the bid specifications; 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 Mayor and Council of the Borough of Montvale that a two-year contract for designation as the official police towing service in the Borough of Montvale is hereby awarded as follows:

Contractor

Bergen Brookside Towing Corp.
1 Emerson Plaza East
Emerson, New Jersey 07630

Pricing

In accordance with Bid Proposal Form

BE IT FURTHER RESOLVED that the contract shall be subject to one (1) two-year or two (2) one-year extensions at the mutual option of the parties; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby directed, authorized and empowered to enter into a contract with Bergen Brookside Towing Corp. consistent with this Resolution, subject to approval as to form by the Borough Attorney.

83-2022 A Resolution Awarding a Contract to Power Place, Inc. For The Purchase of a John Deer Gator, Contract NJCPA Coop BC-Bid-20-03, Cooperative Purchasing Agreement

WHEREAS, the Borough of Montvale has a need to procure a John Deere Gator for the use by the Pascack Valley Department of Public Works, Recreation Department and Environmental Commission for the purposes of transport, recycling and clean up within the municipality; 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 cooperative purchasing agreement; and

WHEREAS, the Qualified Purchasing Agent solicited a quote from Power Place, Inc. under the NJCPA Coop BC-Bid-20-03 Agreement, which the Borough had previously joined as a member; and

WHEREAS, Power Place, Inc. submitted a proposal for the provision of the cooperative Quote ID: #26201407 under Contract #NJCPA Coop BC-Bid-20-3, in the amount of \$16,945.63; 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 purchase in the amount of \$16,945.63 for a John Deere Gator™ XYV835E Model # Year 2022 is awarded Power Place, Inc. 297 Route 22 East, Whitehouse Station, NJ 08889 in the amount of \$16,945.63.

84-2022 A Resolution Awarding a Contract to New Jersey Elevator Inspection Agency for Designation as the Borough Elevator Subcode Official

WHEREAS, the Borough of Montvale has a need to engage the services of an elevator subcode official; and

WHEREAS, consistent with the New Jersey *Local Public Contract Law*, N.J.S.A. 40A:11-1, et seq., the Borough of Montvale did publicly solicit bids for this contract under the title "Bid for Elevator Subcode Official," for a period of three years, plus 2 years of authorized extensions, with bids due on April 5, 2022; and

WHEREAS, in response to said solicitation, two bids were received; and

WHEREAS, the lowest bid received was from New Jersey Elevator Inspection Agency, with a price of 54% of DCA fees charges for inspections, plus the Borough's 20% Administrative Fee; however, any and all payments to New Jersey Elevator Inspection Agency shall be in accordance with the schedule of prices set forth in the bid for each specific inspection item; and

WHEREAS, after review of the bids received, it was determined that New Jersey Elevator Inspection Agency's bid was responsive to the bid specifications; 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 Mayor and Council of the Borough of Montvale that the above-referenced three-year contract, subject to a maximum of two years of extensions pursuant to N.J.S.A. 40A:11-15, is hereby awarded as follows:

Contractor

New Jersey Elevator Inspection Agency
30 Amherst Place
Livingston, New Jersey 07039

Pricing

In accordance with Bid Proposal Form
54% of DCA Fees + 20% Administrative Fee

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby directed, authorized and empowered to enter into a contract with New Jersey Elevator Inspection Agency consistent with this Resolution, subject to approval by the Borough Attorney.

85-2022 RESOLUTION IN SUPPORT OF REFORMS TO THE NEW JERSEY ATTORNEY GENERAL'S USE OF FORCE POLICY, ADDENDUM B, VEHICULAR PURSUIT POLICY

WHEREAS, the Mayor and Council of the Borough of Montvale, County of Bergen and State of New Jersey share a strong public interest in supporting law enforcement, including the apprehension of individuals engaging in criminal activity with regard to offenses relating to persons or property; and

WHEREAS, property crimes, including thefts of vehicles from residential properties have increased significantly in the last several years, often involving organized groups targeting properties and vehicles in suburban communities; and

WHEREAS, the inability to apprehend, arrest and prosecute individuals accused of theft only serves to encourage and enable repeated instances of such criminal activity; and

WHEREAS, such repeated instances of criminal activity pose a grave threat to the public well-being not only in those communities where such crimes take place, but in each and every community in which the suspected individuals travel to or through after the commission of such crimes; and

WHEREAS, the Office of the Attorney General of the State of New Jersey's current and most recently updated Vehicular Pursuit Policy, restricts and prohibits the circumstances in which a law enforcement officer is permitted to pursue an individual reasonably suspected of committing certain crimes, including but not limited to the theft of an automobile; and

WHEREAS, individuals engaging in such crimes may pose a risk of serious public safety whether or not they are being pursued by law enforcement; and

WHEREAS, the reasonable and appropriate pursuit of such individuals is substantially more likely to lead to the apprehension, arrest and conviction of such individuals than prohibiting or restricting such pursuit; and

WHEREAS, the arrest, conviction and incarceration of such individuals shall remove from the public the risk of their committing similar crimes during the period of their incarceration, thereby reducing the risk to the public and promoting the goal of public safety;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen and State of New Jersey, that the Attorney General of the State of New Jersey reconsider portions of the Vehicular Pursuit Policy of its Use of Force Policy, in order to permit local law enforcement officers, the discretion to pursue individuals suspected of having engaged in crimes relating to the theft of automobiles; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Montvale, County of Bergen and State of New Jersey, urge the Attorney General of the State of New Jersey to provide appropriate guidance to local law enforcement officers regarding reasonable and appropriate methods for the pursuit, investigation and apprehension of those committing certain property offenses including theft of automobiles.

BE IT FURTHER RESOLVED, a certified copy of this resolution shall be sent to the NJ Governor's Office, State Senator and Assemblymembers.

**86-2022 RESOLUTION IN SUPPORT OF BAIL REFORM MEASURES UNDER CONSIDERATION
BY THE NEW JERSEY LEGISLATURE AND IN SUPPORT OF ADDITIONAL REFORMS**

WHEREAS, the Mayor and Council of the Borough of Montvale, County of Bergen and State of New Jersey has a strong interest in protecting the safety of its residents, employees and others who may live, work or travel through its borders; and

WHEREAS, crime and criminal activity is a state-wide issue which affects all municipalities in the State of New Jersey, including the Borough of Montvale; and

WHEREAS, the arrest and apprehension of criminal defendants serves the public interest by preventing repeat incidents of criminal activity; and

WHEREAS, an individual charged with the commission of a crime is entitled to the presumption of innocence; and

WHEREAS, in 2014, the State of New Jersey enacted P.L. 2014, c. 31, also known as the "Criminal Justice Reform Law", which, inter alia, revised New Jersey's cash bail system, authorizing the expansion of instances where an individual charged with a crime may be released from pretrial custody pending further proceedings; and

WHEREAS, an unintended consequence of the Criminal Justice Reform Law has been the release pending trial of individuals charged with serious crimes and those individuals being accused of the commission of additional serious crimes to person or property while so released; and

WHEREAS, the commission of new serious crimes by persons released pending further proceedings under the Criminal Justice Reform Law constitutes a matter of public safety to all residents of the State of New Jersey; and

WHEREAS, the New Jersey Assembly is currently considering a Bill, A2426, which would amend the Criminal Justice Reform Law to include a rebuttable presumption of pretrial detention to individuals charged with a firearm related crime; and

WHEREAS, the New Jersey Assembly Law and Public Safety Committee has endorsed A2426;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen and State of New Jersey, that the New Jersey Legislature and Governor Murphy are strongly encouraged to adopt the provisions of A2426; and

BE IT FURTHER RESOLVED, that the legislature is encouraged to undertake additional examination and action to provide additional reforms to the bail system so as to prevent persons charged with serious crimes to person or property from being permitted to engage in additional criminal activity while awaiting criminal proceedings related to earlier charges.

BE IT FURTHER RESOLVED, a certified copy of this resolution shall be sent to the NJ Governor's Office, State Senator and Assemblymembers.

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

79-2022 Refund Overpayment of Taxes/ Due to Veteran Exempt Status

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

WHEREAS, the owner of 26 Old Chestnut Ridge Road, E. Charles Wehrle, is totally exempt from taxes due to his Veteran status, he received, a Homestead Rebate, from the State of New Jersey, which is applied as a credit towards 2nd quarter taxes in the amount of \$1,000.00; and

WHEREAS, the owner of 7 Wayne Street, Ronald Waldt, is totally exempt from taxes due to his Veteran status, he received, a Homestead Rebate, from the State of New Jersey, which is applied as a credit towards 2nd quarter taxes in the amount of \$699.52; 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 \$1,000.00 to E. Charles Wehrle, 26 Old Chestnut Ridge Road, Montvale, NJ 07645 and \$699.52 to Ronald Waldt, 7 Wayne Street, Montvale, NJ 07645

Introduced by: Councilmember Lane; seconded by Councilmember Cudequest - a roll call was taken - all ayes with the exception of Councilmember Koelling abstaining

PUBLIC HEARING: 2022 Bergen County Trust Fund Grant Application Park Development Municipal Program Park Improvement Application Huff Park Playground Improvements/New Rubberized Safety Surfacing.

(Presentation A. Hipolit, Borough Engineer)

MEETING OPEN TO PUBLIC MUNICIPAL PARK APPLICATION:

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

No public comment

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

MEETING CLOSED TO PUBLIC MUNICIPAL PARK APPLICATION:

Resolution: 87-2022: Municipal Endorsing Resolution Trust Fund Application/ Huff Park Playground Improvements Project Phase II

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and,

WHEREAS, the Borough of Montvale desires to further the public interest by obtaining a matching grant of **\$78,625.00** from the County Trust Fund to fund the following project: **Huff Park Playground Improvements Project Phase II**; and,

WHEREAS, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions, and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the governing body/board received held the required Public Hearing to receive public comments on the proposed park improvements in the application on **March 12, 2022**; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date.

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

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of March 12, 2022, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Borough of Montvale has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That the Borough Montvale is committed to providing a dollar for dollar cash match for the project; and,
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That the Borough of Montvale agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That this resolution shall take effect immediately.

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

BILLS: Municipal Clerk read the Bill Report.

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

REPORT OF REVENUE: Municipal Clerk read the Report of Revenue - March

COMMITTEE REPORTS:

Councilmember Koelling

Police

Monthly report included in original minutes; there has been a rise with auto thefts; hiring process continues.

Planning Board

Met with Luciano Bruni, he is a builder of housing for disabled Veterans and is looking to do some projects in town; Valley Medical will be built on the North Market site.

Councilmember Arendacs

DPW

Getting the fields ready for opening day; street sweeping, filling pot holes; started the cleaning of the pipe at Huff Pond; please do not throw paper towels, swifter towels down your toilets, it can cause major damage to the sewer system. Pump stations are working well.

Engineering

Paving program will be starting in a few weeks;

The Police department is getting back into the schools with the DARE program

Councilmember Cudequest

Library

Participation in all programs have been increasing as well as patron visits

Board of Health

Main concern is the geese around Huff Pond

Councilmember Roche

Environmental Commission

Clean-up day is scheduled for Saturday, April 23 at 9am meeting at the Red Shed. Giving out a tree to all volunteers; received their 4th Trek bench which will be donated to the seniors for the bocce ball courts area.

Chamber of Commerce

Street Fair is scheduled for June 12 starting at 10am

Regional School

The board approved Sarah Bilotti as the new Superintendent, she will start July 1, 2022

Special Events/Recreation

Camp registration is officially closed, we have reached capacity; basketball and pickleball badges are required, to get badges please go to borough hall during normal business hours, they are free to all residents.

MAL

Received a monetary contribution from MAL which will go towards the field re-construction and conditioning

Councilmember Lane

Fire Dept

15 fire calls; 3 drills; 3 extra credit and 1 meeting;

Finance

At the next council meeting scheduled on April 26, will have a public hearing and presentation on the budget, encourages all to attend.

Mayor

Encouraged residents to come to next meeting on April 26 for the public hearing on the budget; Valley Health will be taking 60,000 sq feet by North Market; The last rain storm cleaned some of the sediment around Huff Pond inlets. On April 21st, there will be a business breakfast for the corporate tenants that KPMG will be hosting 8:30-10:00am. The Mayors of the Pascack Valley have been meeting with the DEP regarding the flooding and the brooks. April 23 will be hosting Armenian Genocide Memorial Service at 4pm at Huff Pond.

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

The pre-construction meeting will be held next week for the road paving program and will report back at next meeting what additional roads will be added. Possibly Kinderkamack Road might be paved in the next several weeks.

ATTORNEY REPORT:

Joe Voytus, Esq.
Report/Update

Mayor Ghassali asked a question regarding signs on your property and how long it can be kept there. Mr. Voytus will look into it.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

- a. Montvale Planning Board Recommendation/BCUW Madeline Housing Partners/11 E. Grand Avenue/ Designation Of Historical Landmark

The borough attorney stated this will be held to a later date; the Planning Board is still working on it along side the Historic Commission.

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 Roche
- all ayes

Frank DiPalma, OEM Coordinator

Meeting with FEMA on a weekly basis to discuss the Ida storm, quite a bit of documentation is needed; recovered \$113,000 for COVID expenses. Recently submitted additional COVID expenses in the amount of \$3,700.00

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 8:26pm

Regular Workshop Meeting of the Mayor & Council to be held at 7:30pm on April 26th, 2022 in person.
Municipal Budget Public Hearing to be held on April 26, 2022

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk