

**AGENDA
PUBLIC MEETING
BOROUGH OF MONTVALE
Mayor and Council Meeting
July 13, 2023
Closed Executive Session to Commence 6:30PM
Meeting to Commence 7:30PM**

CLOSED/EXECUTIVE SESSION:

Motion to move into Executive Session as provided for by Resolution No. 15-2023 adopted on January 1, 2023 and posted on the bulletin board in the Municipal Building:

The Mayor and Council will go into a Closed /Executive Session for the following:

- a. Personnel – Police Department Promotions - Rice Notices Issued
- b. Attorney Client Privilege – Potential Litigation

Minutes to be disclosed as per the Open Public Meetings Act matters discussed will be disclosed to the public when such matters are finally determined and there is no reason to prohibit the public disclosure of information relating to such matters.

ROLL CALL:

Councilmember Arendacs	Councilmember Lane
Councilmember Cudequest	Councilmember Roche
Councilmember Koelling	Councilmember Russo-Vogelsang

Pascack Hills Varsity Baseball Team – State Champs

Police Chief, Doug McDowell – Quarterly Report

ORDINANCES:

None

MEETING OPEN TO PUBLIC

Agenda Items Only

MEETING CLOSED TO PUBLIC

Agenda Items Only

MINUTES:

June 27, 2023

CLOSED/EXECUTIVE MINUTES:

June 27, 2023

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.

- 156-2023 Authorize Release of Escrow – Beattie Padovano – 200 Market Street – Block 2702, Lot 1.01, Q 2000
- 157-2023 A Resolution Awarding a Contract to Shore Top Construction Corp. for the Pickleball Courts Crack Filling, Resurfacing and Net Installation Project
- 158-2023 Tax Court Settlement – Block 402, Lot 19.01 - 2 Holdrum Court – Roger & Kamala Raj
- 159-2023 A Resolution Approving the Submission of a Grant Application and the Execution of a Grant Agreement with the New Jersey Department of Transportation for the MA-2024-Woodland Road Resurfacing Project-00310

BILLS:

REPORT OF REVENUE:

COMMITTEE REPORTS:

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

ATTORNEY REPORT:

Dave Lafferty, Esq.
Report/Update

ADMINISTRATOR REPORT:

Joe Voytus
Report/Update

UNFINISHED BUSINESS:

- a. Draft Resolution – Appointing Special Counsel – NJDEP – NRD Settlement

NEW BUSINESS:

- a. Draft Resolution – Opposing Assembly Bill A-4376 – Telecommunication Facilities

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.

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

Regular Workshop Meeting of the Mayor & Council to be held at 7:30pm on July 25, 2023

*******Disclaimer***** Subject to Additions And/Or Deletions**

**WORK SESSION
MINUTES**

The Work Session Meeting of the Mayor and Council was in the Council Chambers and called to order at 7:32pm. Adequate notification was published in the official newspaper of the Borough of Montvale. 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).

ROLL CALL:

Councilmember Arendacs - absent
Councilmember Cudequest
Councilmember Koelling

Councilmember Lane
Councilmember Roche
Councilmember Russo-Vogelsang - absent

Also Present: Mayor Ghassali; Borough Attorney, Dermot Doyle; Administrator, Joe Voytus; Municipal Clerk, Fran Scordo

ORDINANCES:

PUBLIC HEARING OF ORDINANCE NO. 2023-1539 AN ORDINANCE OF THE BOROUGH OF MONTVALE APPROVING A NEW SHARED SERVICES AGREEMENT CONCERNING THE JOINT MUNICIPAL COURT

AN ORDINANCE OF THE BOROUGH OF MONTVALE APPROVING A NEW SHARED SERVICES AGREEMENT CONCERNING THE JOINT MUNICIPAL COURT

WHEREAS, in 2010, the Boroughs of Montvale, Woodcliff Lake and Park Ridge (the "Municipalities") conducted a mutually-supported study of the feasibility of either a joint municipal court pursuant to *N.J.S.A. 2B:12-1(b)*, or a shared municipal court pursuant to *N.J.S.A. 2B:12-1(c)*, among all three Municipalities (the "Feasibility Study"); and

WHEREAS, the Feasibility Study identified opportunities to further improve the efficacy of court operation for the Municipalities, while reducing the costs of delivering municipal court services for the respective local governments; and

WHEREAS, the Municipalities determined it to be in their mutual best interests to provide for Joint Municipal Court Facilities, Personnel, and Resources for use by their respective Municipal Courts pursuant to *N.J.S.A. 2B:12-1(b)*, with Montvale as the lead agency; and

WHEREAS, *N.J.S.A. 2B:12-1, et seq.* authorizes the formation of a joint municipal court provided that an agreement is entered into by all of the Municipalities, and provided that such Agreement is approved by and filed with the State of New Jersey Administrative Office of Courts and the Assignment Judge of the Superior Court of New Jersey, Bergen County Vicinage; and

WHEREAS, by agreement dated February 8, 2011 Montvale, Woodcliff Lake and Park Ridge did enter into a Shared Services Agreement ("Agreement") concerning the establishment of a Joint Municipal Court; and

WHEREAS, said Agreement was established in accordance with the Uniform Shared Services and Consolidation Act, P.L.2007, c.63 (C.40A:65-1, *et seq.*); and

WHEREAS, the Joint Municipal Court has operated efficiently for the past twelve (12) years and has resulted in both cost and other benefits to all three Municipalities; and

WHEREAS, said Agreement expired by its terms on December 31, 2018; and

WHEREAS, the Municipalities are desirous of executing a new Shared Services Agreement to extend the operation of the Joint Municipal Court until December 31, 2030, unless otherwise extended by the Municipalities; and

WHEREAS, pursuant to N.J.S.A. 2B:12-1(b), an agreement governing a Joint Municipal Court must be approved and authorized by Ordinance.

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

Section 1. Approval of Agreement.

The Agreement entitled "SHARED SERVICES AGREEMENT FOR THE MUNICIPALITIES OF THE BOROUGH OF MONTVALE, THE BOROUGH OF WOODCLIFF LAKE AND THE BOROUGH OF PARK RIDGE" negotiated by the Joint Court Advisory Committee is hereby approved.

Section 2. Authorization to Execute.

The Mayor, Borough Clerk, and all other appropriate officials, officers and employees are hereby directed, authorized and empowered to execute the aforesaid Shared Services Agreement and to take all other steps reasonably necessary to effectuate the provisions and purposes of this ordinance.

Section 3. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 5. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 6. Effective Date.

This Ordinance shall become effective upon the last to occur of the following: 1) January 1, 2019; 2) approval of the State of New Jersey Administrative Office of Courts and the Assignment Judge of the Superior Court of New Jersey, Bergen County; or 3) the adoption of authorizing Ordinances by the Municipalities pursuant to N.J.S.A. 2B:12-1. If approved, the Shared Services Agreement shall be deemed to be effective retroactive to January 1, 2019, and all actions taken by the Joint Court since January 1, 2019, will be retroactively endorsed and approved.

A motion Introduced for second reading **Ordinance No. 2023-1539** 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

PUBLIC HEARING OF ORDINANCE NO. 2023-1540 AN ORDINANCE TO AMEND CHAPTER 170 OF THE BOROUGH CODE TO CLARIFY THE SENIOR FEE WAIVER

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 170 OF THE BOROUGH CODE TO CLARIFY THE SENIOR FEE WAIVER

WHEREAS, it has become apparent that Chapter 170, Article VI, of the Borough Code concerning Building Permit Fee Waivers for certain Senior Citizens has caused confusion among some residents as to the circumstances under which the Borough is permitted to waive such fees, and the specific fees that the Borough is able (and unable) to waive; and

WHEREAS, the Borough would like to amend this Article to provide clarity to residents.

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

Section 1. Chapter 170 of the Borough Code, Article VI, "Building Department Fees Waiver for Senior Citizens," Section 19, "Waiver," is hereby amended and supplemented by adding the underlined text and deleting the bracketed text, as follows:

§ 170-19 Waiver.

Fees collected for the issuance of building permits for improvements to the applicant's personal residence by the Building Department of the Borough of Montvale, which are specified in Montvale Code §170-10A through E and which include, respectively, building subcode fees, plumbing subcode fees, electrical subcode fees, fire subcode fees, and elevator fees, shall be waived for any citizen who meets the eligibility requirements contained in this article. All county, state and federal fees, and all other local fees other than construction permit fees as defined herein, shall remain the sole responsibility of the applicant, and no applicant will be exempt from any such fees, including, without limitation, the New Jersey permit surcharge fee and all development fees mandated by the New Jersey Council on Affordable Housing.

Section 2. Chapter 170 of the Borough Code, Article VI, "Building Department Fees Waiver for Senior Citizens," Section 20, "Eligibility," is hereby amended and supplemented by adding the underlined text and deleting the bracketed text, as follows:

§ 170-20 Eligibility.

An applicant shall be eligible for waiver of the fees collected for the issuance of building permits for improvements to the applicant's personal residence by the Building Department of the Borough of Montvale if the applicant certifies, in writing, that he or she is qualified for the State of New Jersey's Property Tax Reimbursement Program (a.k.a. the "Senior Freeze"), as may be amended by the State Division of Taxation, at the time of the application. Proof of personal residence at the subject property and the above waiver of permit fees shall be presented to the Building Department at the time of the application for the permit. If such proof is not presented at the time of the application, the applicant shall not be entitled to a "refund" of fees already paid.

Section 3. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 5. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of

competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 6. Effective Date.

This Ordinance shall become effective upon adoption and publication as required by law.

A motion Introduced for second reading **Ordinance No. 2023-1540** by Councilmember Cudequest; seconded by Councilmember Lane; Clerk read by title only.

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

No Public Comment

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

MINUTES:

June 8, 2023

A motion to accept the minutes by Councilmember Cudequest; seconded by Councilmember Koelling - all ayes with the exception of Councilmembers Lane abstaining

June 12, 2023

A motion to accept the Town Hall Session minutes by Councilmember Cudequest; seconded by Councilmember Roche - all ayes with the exception of Councilmembers Koelling and Lane abstaining

CLOSED/EXECUTIVE MINUTES:

June 8, 2023

A motion to accept the closed session minutes by Councilmember Cudequest; seconded by Councilmember Roche - all ayes with the exception of Councilmembers Lane 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.

146-2023 DMHAS Youth Leadership Grant/Montvale Municipal Alliance

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program.

WHEREAS, The Borough Council of the Borough of Montvale, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public

officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for DMHAS Youth Leadership funding through the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Montvale County of Bergen, State of New Jersey hereby recognizes the following:

The Borough Council does hereby authorize submission of an application for DMHAS Grant funding for the Montvale Municipal Alliance for Year One Grant Term 9/1/23 – 9/30/25 in the amount of:

DMHAS Grant Funding \$ 4,620.00

The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

147-2023 Authorize Refund of Recreation Program / Adventure Camp Refund

BE IT RESOLVED, the below individual is hereby granted a refund for Adventure Camp to Johanny Kaplan, 4 Windsor Road, Montvale, NJ 07645 in the amount of \$550.00

148-2023 Authorize Refund of Use Permit – Planning Board Application

BE IT RESOLVED, the below individual is hereby granted a refund due to withdrawing application to the Planning Board to Fei Song, 15 Chestnut Ridge Road, Montvale, NJ 07645 in the amount of \$225.00

149-2023 Resolution Approving Liquor License Renewals For The July 1, 2023 Through June 30, 2024 Term

WHEREAS, the following liquor license holder has submitted their renewal application through the POSSE ABC portal and paid the required fee as directed by the Division of Alcoholic Beverage Control; and

WHEREAS, the following liquor license holder has paid the municipal fee and a Tax Clearance Certificate has been received; and

WHEREAS, the applicant is qualified to be licensed per the standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, and pertinent Borough Ordinances.

NOW THEREFORE BE IT RESOLVED that the Mayor & Council of the Borough of Montvale hereby authorizes the renewal of the following liquor license for the July 1, 2023 through June 30, 2024 term.

BE IT FURTHER REOLVED that the Municipal Clerk is hereby authorized to issue a liquor license as follows:

0236-33-005-008 The Waterfall, Inc., t/a Hearth & Tap for the premises at 125 Kinderkamack Road, Montvale, NJ

0236-33-006-003 Montvale Recreation, Inc., t/a Montvale Recreation Inc. for premises at 14 West Grand Avenue, Montvale, NJ

0236-33-007-004 TPC, Inc., t/a Davey's Locker, for premises at 5 Park Street, Montvale, NJ

0236-31-009-001 Montvale Engine Co. #1, Inc., t/a Montvale Fire Department, for premises at 35 West Grand Avenue, Montvale, NJ

0236-44-001-006 Mo & Sy Corp. t/a Montvale Wine & Spirits, Inc. for premises at 18 South Kinderkamack Road, Montvale, NJ

0236-44-002-011 BPO Wine Corporation, t/a Wegmans, 100 Farm View, Montvale, NJ

0236-36-012-003 South City Prime Montvale, LLC t/a Fire & Oak for premises at 100 Chestnut Ridge Road, Montale, NJ

150-2023 A Resolution Approving the Plan and Design for the NJDOT FY2022 Summit Ave Roadway Project and Authorizing the Receipt of Bids

WHEREAS, N.J.S.A. 59:4-6 provides in pertinent part that neither the public entity nor a public employee is liable for an injury caused by the plan or design of public property or any improvement thereto where the plan or design was approved in advance of construction by the governing body or a public employee exercising discretionary authority on its behalf or where such plan or design was prepared in conformity with standards previously approved by the governing body; and

WHEREAS, certain improvements described herein have been designed by Colliers Engineering and Design (the "Design Professional"); and

WHEREAS, the Borough of Montvale wishes to memorialize its approval of said design and authorize the receipt of bids for such project.

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

The plans and specifications entitled "NJDOT FY2022 Summit Ave Roadway Project," prepared by Colliers Engineering and Design, dated December 27, 2022, are hereby approved.

The Borough Clerk is hereby authorized to publish notice for the receipt of bids, pursuant to bid specifications prepared by the Design Professional.

Upon the completion of the improvements described herein above, the Design Professional shall inspect said improvements and certify to the Borough Council, before final payment is made for same, that said improvements have been constructed in accordance with the above-referenced plans, specifications and design.

The Borough Clerk shall archive this Resolution in a manner consistent with the purpose of perpetually documenting governmental immunity in the event of any claim based upon the plan, design or construction of the improvement.

151-2023 A Resolution Awarding a Contract to American Asphalt & Trucking, LLC for the NJDOT FY2022 – Summit Ave Roadway Project

WHEREAS, the Borough of Montvale has a need to procure construction services for the NJDOT FY2022 – Summit Ave Roadway Project in the Borough; and

WHEREAS, the Borough of Montvale, in accordance with the laws of the State of New Jersey, publicly advertised for the receipt of bids under specifications for the NJDOT FY2022 – Summit Ave Roadway Project; and

WHEREAS, eight (8) bids were received on June 13, 2023; and

WHEREAS, after receipt and review of the three (3) lowest bids received, the Borough of Montvale has determined that American Asphalt & Trucking, LLC is the lowest responsible bidder for this contract; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds have been appropriated and are available for this purpose, a copy of said certification attached to the original copy of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that a contract is hereby awarded as follows:

Contractor

American Asphalt & Trucking, LLC
818 Summer Avenue - Floor 1
Newark, New Jersey 07104

Contract Amount

Base Bid:	\$173,782.42
Alternate A:	\$ 49,317.07
Total:	\$223,099.49

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute all documents necessary to effectuate the purposes of this Resolution, consistent with the Borough's bid specifications and applicable law, subject to approval as to form by the Borough Attorney.

152-2023 Award Professional Service Contract - Construction Observation Services for NJDOT FY2022 Summit Ave Roadway Improvements Project - Colliers Engineering & Design

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer for Construction Observation Services for the NJDOT FY2022 Summit Ave Roadway Improvement Project; 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, Colliers Engineering & Design, 400 Valley Road, Suite 304, Mt. Arlington, NJ 07856 has submitted a proposal dated June 16, 2023 to provide engineering services which are detailed and 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 shall be awarded to Colliers Engineering & Design.
2. That the following be provided: Construction Services for NJDOT – FY2022 – Summit Ave Roadway Improvement Project.
3. The cost not to exceed shall be \$21,500.00. 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.

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

153-2023 Requesting Approval Of Items Of Revenue And Appropriation N.J.S.A. 40a:4-87 – Stormwater Assistance Grant

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 was not

determined at the time of the adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Montvale, in the County of Bergen, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the CY 2023 Municipal Budget in the sum of \$25,000.00, which is now available as revenue from:

Miscellaneous Revenues – Section F:

Special Items of Revenue Anticipated with Prior Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:
Stormwater Assistance Grant.

BE IT FURTHER RESOLVED that the like sum of \$25,000.00 is hereby appropriated under the caption:

General Appropriations:

(A) Operations – Excluded from “CAPS”

Public and Private Revenues Offset by Revenues
Stormwater Assistance Grant.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be electronically filed with the Director for approval as required by law

154-2023 Requesting Approval Of Items Of Revenue And Appropriation N.J.S.A. 40a:4-87 – BMED Fund – Wellness Program

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 was not determined at the time of the adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Montvale, in the County of Bergen, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the CY 2023 Municipal Budget in the sum of \$5,000.00, which is now available as revenue from:

Miscellaneous Revenues – Section F:

Special Items of Revenue Anticipated with Prior Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:
Gateway BMED Fund – Wellness Program.

BE IT FURTHER RESOLVED that the like sum of \$5,000.00 is hereby appropriated under the caption:

General Appropriations:

(A) Operations – Excluded from “CAPS”

Public and Private Revenues Offset by Revenues
Gateway BMED Fund – Wellness Program.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be electronically filed with the Director for approval as required by law.

155-2023 A Resolution Awarding a Contract to Axon Enterprise, Inc. for the Purchase of Ten (10) Taser 7 Basic Bundles Pursuant to State Contract T0106/17-FLEET-00738

WHEREAS, the Borough of Montvale has a need to purchase ten (10) Taser 7 Basic Bundles for use by the Montvale Police Department; and

WHEREAS, the Borough has determined that the most convenient and cost-effective way to procure said vehicle is by State Contract pursuant to N.J.S.A. 40A:11-12a, and the Borough may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough did solicit a quote from Axon Enterprise, Inc. pursuant to State Contract T0106/17-FLEET-00738 in the total amount of \$26,400.00; and

WHEREAS, the Borough is desirous of awarding this contract and purchasing said equipment from Axon Enterprise, Inc. pursuant to the June 14, 2023 Proposal, a copy of which is attached hereto; and

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

NOW, THEREFORE, BE IT RESOLVED that the Borough of Montvale hereby accepts the June 14, 2023 Proposal from Axon Enterprise, Inc. 17800 N 85th Street, Scottsdale, Arizona, 85255, for the aforementioned equipment and directs, authorizes and empowers all appropriate officials to execute an agreement and/or purchase order for this contract, subject to all the conditions applicable to State Contract T0106/17-FLEET-00738 and subject to approval by the Borough Attorney.

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

BILLS: Administrator read the Bill Report

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

ENGINEER'S REPORT:

Andrew Hipolit - absent
Report/Update

ATTORNEY REPORT:

Dermot Doyle, Esq.
Report/Update
No Report

ADMINISTRATOR REPORT:

Joe Voytus
Report/Update
No Report

UNFINISHED BUSINESS:

None

NEW BUSINESS:

1. Police Department request for waiver of permit fees for Touch-A-Truck; Aug 16, 3-6PM at Memorial Drive

Councilmember agreed to waive the fees

2. Mayor Wellness Program

Mayor Ghassali mentioned he will be contacting all the gyms in town to coordinate anyone that would like to work out for 1 hour a week with the Mayor. This will promote their businesses.

3. Business View Magazine

Montvale will be featured in the August edition about the town and its businesses, in addition they will create a 10 page pamphlet which will be used for promotions etc.

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 Roche – all ayes

No Public Comment

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

ADJOURNMENT:

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

Meeting adjourned at 7:45pm

Regular Meeting of the Mayor & Council will be held at 7:30pm on Thursday, July 13, 2023

Respectfully submitted, Frances Scordo, Municipal Clerk

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 156-2023**

RE: Authorize Release of Escrow – Beattie Padovano – 200 Market Street – Block 2702, Lot 1.01, Q C2000

WHEREAS, Beattie Padovano located at 200 Market Street, Suite 401, Montvale, NJ 07645 have requested release of escrow posted for Block 2702, Lot 1.01, Q C2000; 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 Beattie Padovano in the amount of \$631.40; and

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

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: July 13, 2023

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
ESCROW AND/OR BOND RELEASE**

BLOCK 2702 LOT 1.01 QC 2000

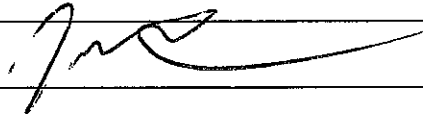
APPLICANT: Beattie Padovano

200 Market Street, Suite 401

ADDRESS 200 Market Street

Montvale, NJ 07645

SIGN OFFS

DEPARTMENT	NAME	SIGNATURE	DATE
FINANCE	Christine Kalafut		
ENGINEERING	Chris Dour/A. Hipolit	Christine Baker (see attached)	6-22-2023
CONSTRUCTION	J. Fondacaro/C. Gruber	Christine Baker	2-2-2023
TAX COLLECTOR			
POLICE			
FIRE			
DPW			
ENVIRONMENTAL COMM			
PLANNING BOARD ATTY	Robert Regan	Christine Baker	1-23-2023
PLANNING BOARD	Lorraine Hutter	Christine Baker	1-5-2023
LAND USE			
ADMINISTRATOR- FINAL SIGNATURE	Joe Voytus		6-22-23
FINANCE	Christine Kalafut	Christine Kalafut	RELEASE DATE:
ACCOUNT #	E-08-00-220-10A	\$629.75 ✓	AMOUNT:
	E-08-00-220-10B	\$1.65 ✓	\$631.40

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 157-2023**

RE: A Resolution Awarding a Contract to Shore Top Construction Corp. for the Pickleball Courts Crack Filling, Resurfacing and Net Installation Project

WHEREAS, the Borough of Montvale has a need to procure construction services for the Pickleball Courts in the Borough; and

WHEREAS, the Borough of Montvale, in accordance with the laws of the State of New Jersey, publicly advertised for the receipt of bids under specifications for the Pickleball Courts Crack Filling, Resurfacing and Net Installation Project; and

WHEREAS, three (3) bids were received on June 28, 2023; and

WHEREAS, after receipt and review of the three (3) lowest bids received, the Borough of Montvale has determined that Shore Top Construction Corp. is the lowest responsible bidder for this contract; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds have been appropriated and are available for this purpose, a copy of said certification attached to the original copy of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that a contract is hereby awarded as follows:

Contractor

Shore Top Construction Corp.
23 Yellowbrook Road
Freehold, NJ 07728

Contract Amount

Base Bid - \$71,000.00

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute all documents necessary to effectuate the purposes of this Resolution, consistent with the Borough's bid specifications and applicable law, subject to approval as to form by the Borough Attorney.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: July 13, 2023

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

HUNTINGTON BAILEY, L.L.P.

COUNSELLORS AT LAW

RUSSELL R. HUNTINGTON
WILLIAM J. BAILEY
DERMOT J. DOYLE
SIOBHAN SPILLANE BAILEY *
DAVID S. LAFFERTY
MAURA O'HALLORAN DEEGAN
LEVI J. KOOL •

373 KINDERKAMACK ROAD
WESTWOOD, NEW JERSEY 07675
(201) 666-8282
FAX (201) 666-9625

• Also Member NY Bar
* Also Member PA Bar

WWW.HUNTINGTONBAILEY.COM

July 5, 2023

Mayor and Council
Borough of Montvale
12 DePiero Drive
Montvale, New Jersey 07645

Re: Pickleball Courts Crack Filling, Resurfacing and Net Installation

Dear Mayor Ghassali and Members of the Borough Council:

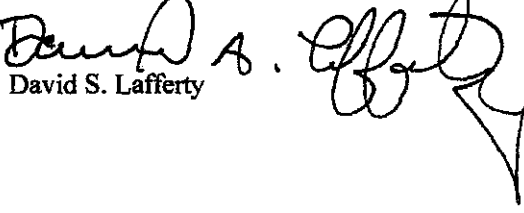
At the request of the Borough Clerk, I have reviewed the three (3) lowest bids received in response to the Notice to Bidders for the above referenced project. The three lowest bids received were from: (1) Shore Top Construction Corp.; (2) Green Valley Group, Inc.; and (3) Senco Metals, LLC Paving Plus.

The Bid Specifications provided for a Base Bid only. Our spreadsheet reflecting compliance with the bid requirements is attached. After review of all three bids, it appears that the bid by Shore Top Construction Corp. complies with all required bid documents and is the lowest responsible and responsive bidder for both the Base Bid. Should the Borough elect to proceed, this bidder is eligible for the award of this Contract.

Please do not hesitate to contact me if there are any questions.

Very truly yours,

HUNTINGTON BAILEY, LLP


David S. Lafferty

DSL/dl

cc: Joe Voytus, Borough Administrator
Fran Scordo, Borough Clerk
Andrew Hipolit, Borough Engineer

Pickleball Courts - Crack Filling, Resurfacing and Net Installation			
BID DOCUMENT	Shore Top	Green Valley	Senco Metals
Equal Employment Affidavit	x	x	x
ADA Affidavit	x	x	x
Bid Bond	x	x	x
Consent of Surety	x	x	x
Receipt of Addenda	x	x	x
Affirmative Action Compliance	x	x	x
Corporate or Partnership Disclosure	x	x	x
Non-Collusion Affidavit	x	x	x
Qualification Statement and Affidavit	x	x	x
Prohibited Russia-Belarus and Iran Cert.	x	x	x
Bid Proposal			
PRICING	\$71,000.00	\$128,700.00	\$300,000.00
Compliant	yes	yes	yes

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 158-2023**

RE: Tax Court Settlement – Block 402, Lot 19.01 - 2 Holdrum Court – Roger & Kamala Raj

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Roger & Kamala Raj (hereinafter the "Tax Appeal"), under Docket Numbers 005640-2019, 001904-2020, 001140-2021, 002335-2022 and 002779-2023, and;

WHEREAS, the aforesaid tax appeal involves a residential property located at 2 Holdrum Ct, and is otherwise referred to as Block 402 Lot 19.01 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 Tax Assessor and the Borough Appraiser, and;

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

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

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

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

SCHEDULE "A"

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

2019 Appeal: Withdraw
2020 Appeal: Withdraw
2021 Appeal: Withdraw
2022 Appeal: \$995,400
2023 Appeal: \$1,045,400

B. The provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") are expressly waived by the parties and shall not apply to this settlement.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: July 13, 2023

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 159-2023**

RE: A Resolution Approving the Submission of a Grant Application and the Execution of a Grant Agreement with the New Jersey Department of Transportation for the MA-2024-Woodland Road Resurfacing Project-00310

BE IT RESOLVED that the Mayor and Council of the Borough of Montvale formally approve the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor, Borough Administrator and/or Borough Clerk are hereby directed, authorized and empowered to submit an electronic grant application identified as MA-2024-Woodland Road Resurfacing Project-00310 to the New Jersey Department of Transportation on behalf of the Borough of Montvale; and

BE IT FURTHER RESOLVED that the Mayor, Borough Administrator and/or Borough 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.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: July 13, 2023

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, N.J., that the following bills, having been referred to the Borough Council and found correct, be and the same hereby be paid:

<u>FUND</u>	<u>AMOUNT</u>	<u>NOTES</u>
Current	\$3,130,750.40	Bill List Wire 7/13/2023
	<u>317,388.83</u>	Wires/Manual Checks
Current TOTAL	3,448,139.23	
Capital	33,947.92	Bill List Wire 7/13/2023
Escrow	16,614.50	Bill List Wire 7/13/2023
Housing Trust	186.00	Bill List Wire 7/13/2023
Open Space Trust	5,065.00	Bill List Wire 7/13/2023
General Trust	810.48	Bill List Wire 7/13/2023
Recreation Trust	3,030.09	Bill List Wire 7/13/2023

*This resolution was adopted by the Mayor and Council of Montvale
at a meeting held on 7/13/23*

Introduced by: _____

Approved: 7/13/23

Seconded by: _____

Michael Ghassali, Mayor

ATTEST:

Frances Scordo, Municipal Clerk

MANUAL/VOID CHECKS - WIRES
July 13, 2023

<u>Check #</u>	<u>PO #</u>	<u>Date</u>	<u>Vendor/Transaction</u>	<u>Amount</u>
WIRE		6/28/23	Payroll Account-Current	209,009.38
WIRE		6/28/23	Salary Deduction Account	\$108,279.45
WIRE		6/28/23	FSA Account	100.00
Total				<u><u>317,388.83</u></u>

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Borough of Montvale
Bill List By Vendor Id

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P.O. Type: All
Range: First to Last
Format: Condensed
Vendors: All
Rcvd Batch Id Range: First to Last
Include Non-Budgeted: Y
Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00071	VEOLIA (SUEZ)								
		23-00826	06/12/23	10003825412222 VEOLIA - JUNE	Open	15,646.30	0.00		
00095	HANRAHAN, ROBERT								
		23-00464	03/28/23	CONGRATS FRUIT BASKET JOJIC, M	Open	67.18	0.00		
		23-00569	04/26/23	EXPENSE REIMBURSEMENT	Open	42.65	0.00		
		23-00844	06/15/23	GRASS SEED - HUFF POND	Open	49.65	0.00		
						159.48			
00097	CABLEVISION								
		23-00877	06/22/23	07873-199375-01-1 OPTIMUM	Open	194.98	0.00		
		23-00878	06/22/23	07873-199375-01-1 OPTIMUM	Open	195.20	0.00		
		23-00944	07/06/23	07873-218840-01-0 OPTIMUM	Open	25.48	0.00		
						415.66			
00104	MONTVALE BOARD OF EDUCATION								
		23-00003	01/03/23	2023 LOCAL SCHOOL TAXES	Open	1,503,812.00	0.00		B
00137	PASCACK VALLEY REGIONAL HS DST								
		23-00002	01/03/23	2023 REGIONAL SCHOOL TAXES	Open	1,308,437.00	0.00		B
00139	SCORDO, FRANCES								
		23-00926	07/05/23	PETTY CASH	Open	349.23	0.00		
00146	PSE&G CO.								
		23-00825	06/12/23	PSE&G - MAY 2023	Open	277.04	0.00		
00151	LAMENDOLA, BRIAN								
		23-00839	06/14/23	REIMB CLOTHING ALLOWANCE	Open	171.99	0.00		
		23-00859	06/16/23	REIMB POP TENT	Open	112.97	0.00		
						284.96			
00215	TOWNSHIP OF RIVER VALE								
		23-00085	01/13/23	2023 PASCACK VALLEY DPW	Open	158,843.21	0.00		B
00258	ROCKLAND ELECTRIC COMPANY								
		23-00951	07/07/23	ROCKLAND ELECTRIC - JUNE 2023	Open	19,423.65	0.00		
00292	HIGHWAY TRAFFIC SUPPLY								
		23-00643	05/03/23	PD TRAFFIC SIGNS	Open	88.00	0.00		
00503	NJ SERVICE, TESTING &								
		23-00718	05/22/23	REPAIR OF BROKEN SPRINKLER	Open	1,735.00	0.00		
00595	KEY - TECH								
		22-01294	10/13/22	CORE SAMPLING AND TESTING	Open	1,820.00	0.00		

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Borough of Montvale
Bill List By Vendor Id

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00730	BOGGIA, BOGGIA, BETESH	23-00356	03/03/23	2023 LEGAL FEES	Open	2,449.00	0.00		B
00731	COLLIER'S ENGINEERING & DESIGN	23-00149	01/19/23	2023 GENERAL ENGINEERING SVCS.	Open	1,572.50	0.00		B
		23-00416	03/15/23	MUNICIPAL ENGINEERING REVIEW	Open	462.50	0.00		
		23-00752	05/30/23	MUNICIPAL PLANNING REVIEW	Open	2,011.25	0.00		
		23-00799	06/06/23	MUNICIPAL ENGINEERING REVIEW	Open	1,665.00	0.00		
		23-00818	06/08/23	MUNICIPAL PLANNING REVIEW	Open	1,506.25	0.00		
		23-00831	06/13/23	MUNICIPAL ENGINEERING REVIEW	Open	277.50	0.00		
		23-00834	06/13/23	MUNICIPAL ENGINEERING REVIEW	Open	7,057.50	0.00		
						14,552.50			
00737	NORTHWEST BERGEN CENTRAL	23-00222	02/02/23	2023 DISPATCH SERVICES FEE	Open	52,667.75	0.00		B
00762	HARBORTOUCH	23-00863	06/20/23	CREDIT CARD PROCESSING COURT	Open	93.51	0.00		
00806	MOTOROLA INC.	23-00391	03/09/23	PD VIDEO MANAGER YEARLY 2023	Open	2,400.00	0.00		
00896	GIAMMARINO, MICHAEL	23-00059	01/09/23	2023 INTERPRETING SERVICES	Open	450.00	0.00		B
00999	AMAZON.COM SERVICES, INC.	23-00884	06/23/23	OFFICE SUPPLIES	Open	585.01	0.00		
01042	MCANIMON, SCOTLAND, BAUMANN LLC	23-00805	06/06/23	BOND ORDINANCE SERVICES	Open	707.50	0.00		
01120	GTBM INC.	23-00708	05/18/23	PD CRADLEPOINT MOBILE ROUTER	Open	1,310.97	0.00		
01191	BROADMAN, DEBRA	23-00909	06/27/23	2023 MONTVALE WELLNESS PROGRAM	Open	50.00	0.00		
01211	TURN OUT UNIFORMS & CO.	23-00794	06/06/23	GARRAN CLOTHING ALLOWANCE	Open	369.99	0.00		
		23-00842	06/14/23	SALAZAR CLOTHING ALLOWANCE	Open	77.00	0.00		
		23-00856	06/16/23	MORAN CLOTHING ALLOWANCE	Open	183.97	0.00		
						630.96			
01330	GHASSALI, MICHAEL	23-00110	01/17/23	MAILCHIP	Open	60.00	0.00		B
		23-00846	06/15/23	DESSERT FOR SENIORS MTG.	Open	64.97	0.00		
						124.97			
01368	ROBALINO, ERIC	23-00857	06/16/23	REIMB ROBALINO	Open	113.97	0.00		
01370	AMERICAN CHAMBER OF COMMERCE	23-00762	06/01/23	Human Resource Guide	Open	270.00	0.00		

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Bill List By Vendor Id

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01453	STEIN'S FRESH BAGEL INC.	23-00775	06/01/23	PD LT INTERVIEW LUNCH	Open	152.81	0.00		
01464	SURENIAN, EDWARDS, BUZAK & NOLAN	23-00351	03/02/23	2023 SPECIAL COUNSEL	Open	1,375.35	0.00		B
01525	MILLENNIUM STRATEGIES, LLC	23-00073	01/12/23	GRANT WRITING CONSULTING SVCS.	Open	650.00	0.00		B
01535	ROCKLAND BOULDERS	23-00747	05/25/23	DARE BASEBALL TICKETS	Open	2,936.00	0.00		
01555	COUNTY OF BERGEN	23-00897	06/26/23	PRIMARY ELECTION RENTAL FEES	Open	80.00	0.00		
01624	CMRS-FP	23-00357	03/03/23	REFILL POSTAGE METER	Open	500.00	0.00		B
01643	LORANGER, LISA	23-00899	06/26/23	MAILCHIMP REIMBURSEMENT	Open	100.00	0.00		
01645	BOROUGH OF WOODCLIFF LAKE	23-00778	06/02/23	2023 TRI-BORO DISPATCH COORD	Open	1,544.66	0.00		
		23-00779	06/02/23	2023 TRI-BORO VOLUNTEER	Open	<u>6,148.33</u>	0.00		
						7,692.99			
01646	NJRPA	23-00780	06/02/23	NJRPA YEARLY MEMBERSHIP	Open	250.00	0.00		
01684	HOME FIELD ADVANTAGE SPORTING	23-00724	05/23/23	WOMENS SOFTBALL JERSEYS	Open	473.00	0.00		
		23-00729	05/23/23	ADVENTURE CAMPER TSHIRTS	Open	1,416.00	0.00		
		23-00730	05/23/23	CAMP COUNSELOR TSHIRTS S-XL	Open	<u>950.00</u>	0.00		
						2,839.00			
01702	MEDIA CONSULTANTS LLC	23-00530	04/14/23	MONTVALE STUDIO MANAGEMENT	Open	356.25	0.00		B
01748	WERBA, JOSEPH	23-00838	06/14/23	REIMB CLOTHING ALLOWANCE	Open	202.96	0.00		
		23-00885	06/23/23	REIMB CLOTHING ALLOWANCE	Open	<u>194.94</u>	0.00		
						397.90			
01760	UNITED PARCEL SERVICE	23-00952	07/07/23	F047X6 UPS JUNE 2023	Open	317.32	0.00		
01767	VERIZON	23-00895	06/26/23	555-569-014-0001-55 VERIZON	Open	170.64	0.00		
01788	TIGHE, RAYMOND	23-00788	06/05/23	ANNUAL MEMBERSHIP FEE- NJMLS	Open	222.00	0.00		

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Bill List By Vendor Id

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01815	CREATIVE PAVERS INSTALLATIONS								
		23-00949	07/06/23	BOULDERS FOR LIBRARY PATIO	Open	1,800.00	0.00		
01852	REDICARE LLC								
		23-00879	06/22/23	FIRST AID PREMIUM 60 DAY SVC	Open	85.00	0.00		
		23-00880	06/22/23	FIRST AID 60 DAY SERVICE	Open	<u>170.00</u>	0.00		
						255.00			
01882	PRESTIGE BUSINESS PRODUCTS, INC								
		23-00795	06/06/23	PD INK CARTRIDGES	Open	523.00	0.00		
01895	INSTITUTE FOR PROFESSIONAL								
		23-00821	06/09/23	WEBINAR CAPITAL BUDGETING	Open	50.00	0.00		
01924	AIR SYSTEMS MAINTENANCE, INC								
		23-00942	07/06/23	HEATING UNIT SERVICE REPAIR	Open	2,966.69	0.00		
01949	AT&T MOBILITY								
		23-00806	06/07/23	PD PATROL PHONES & PLAN	Open	806.61	0.00		
01959	COLONNELLI BROTHERS INC.								
		23-00269	02/10/23	EMERG SANITARY SEWER REPAIRS	Open	16,125.29	0.00		B
01993	GREG TANZER SPRINKLERS								
		23-00659	05/08/23	SPRIKLER REPAIRS	Open	3,265.00	0.00		
02011	HUNTINGTON BAILEY, L.L.P.								
		23-00349	03/01/23	2023 LEGAL RETAINER	Open	10,000.00	0.00		B
		23-00350	03/01/23	2023 LEGAL FEES	Open	1,832.50	0.00		B
		23-00836	06/13/23	TRUST - RESERVE FOR HOUSING	Open	<u>186.00</u>	0.00		
						12,018.50			
02025	JL TOOLS, LLC								
		23-00723	05/23/23	PD BATTERY JUMP BOX	Open	437.00	0.00		
02026	FDR HITCHES								
		23-00768	06/01/23	5 TON 6 X 14 TILT TRAILER	Open	8,695.00	0.00		
02030	GT MARKETING, LTD								
		23-00874	06/21/23	MAILING SERVICES FOR TAX BILLS	Open	2,404.60	0.00		
02038	VOYTUS, JOSEPH								
		23-00925	07/05/23	MILEAGE REIMBURSEMNET	Open	125.14	0.00		
02039	CARLISLE, CANDICE								
		23-00950	07/06/23	JUICE BOX REIMBURSEMENT	Open	118.17	0.00		
02141	REGAN, ROBERT T., ESQ.								
		23-00366	03/06/23	MONTVALE MASTER PLAN	Open	195.00	0.00		B
		23-00754	05/30/23	ESCROW PAYMENTS	Open	1,430.00	0.00		
		23-00755	05/30/23	ESCROW PAYMENTS	Open	<u>2,944.50</u>	0.00		
						4,569.50			

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02426	VERIZON WIRELESS								
		23-00830	06/12/23	242317487-00001 VERIZON	Open	891.35	0.00		
02559	INS.DESIGN ADMINISTRATORS								
		23-00056	01/06/23	2023 VISION BENEFITS	Open	300.00	0.00		B
02679	EDMUNDS GOVTECH								
		23-00823	06/12/23	ESTIMATED TAX BILLS	Open	1,117.52	0.00		
		23-00910	06/27/23	BLANK TAX BILLS FOR 2023/2024	Open	34.00	0.00		
						1,151.52			
02757	TYCO ANIMAL CONTROL SERVICES								
		23-00255	02/08/23	2023 GEESE CONTROL SERVICES	Open	400.00	0.00		B
02987	DATA NETWORK SOLUTIONS								
		23-00812	06/08/23	NEW PHONE SYS-48 PORT SWITCHES	Open	4,882.00	0.00		
		23-00814	06/08/23	NEW PHONE SYS-HARDWARE/INSTALL	Open	18,015.00	0.00		
						22,897.00			
03060	TRI-STATE TECHNICAL SERVICES								
		23-00113	01/17/23	2023 ADOBE SOFTWARE/DROPBOX	Open	39.38	0.00		B
		23-00114	01/17/23	2023 MICROSOFT WEB EXCHANGE	Open	444.00	0.00		B
		23-00193	01/27/23	2023 COMPUTER MAINTENANCE	Open	790.42	0.00		B
		23-00822	06/09/23	NEW PHONE SYSTEM CABLE	Open	280.00	0.00		
		23-00881	06/22/23	ZOOM MONTHLY COURT CHARGE	Open	17.05	0.00		
		23-00883	06/23/23	DATA RECOVERY COMPUTER COURT	Open	1,550.00	0.00		
						3,120.85			
03084	WESLEY SICOMAC DAIRY								
		23-00273	02/10/23	2023 MILK DELIVERY	Open	63.31	0.00		B
03666	VERIZON -3070534								
		23-00890	06/26/23	450-001-742-0001-13 VERIZON	Open	58.22	0.00		
03727	STAPLES INC								
		23-00759	05/31/23	office supplies	Open	210.93	0.00		
		23-00767	06/01/23	Office Supplies	Open	459.06	0.00		
		23-00783	06/05/23	PD OFFICE SUPPLIES	Open	97.38	0.00		
		23-00802	06/06/23	office supplies	Open	594.43	0.00		
		23-00824	06/12/23	OFFICE SUPPLIES	Open	69.97	0.00		
		23-00851	06/15/23	Water/Clerk File Pockets	Open	87.77	0.00		
		23-00873	06/21/23	PLANNING BRD PENDAFLEX FILES	Open	105.17	0.00		
						1,624.71			
<hr/>									
Total Purchase Orders:		102	Total P.O. Line Items:		0	Total List Amount:		3,190,404.39	Total Void Amount: 0.00

July 10, 2023
10:02 AM

Borough of Montvale
Bill List By Vendor Id

Page No: 6

Totals by Year-Fund						
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total
CURRENT FUND 2022	2-01	3,161.69	0.00	3,161.69	0.00	0.00
CURRENT FUND 2023	3-01	3,127,588.71	0.00	3,127,588.71	0.00	0.00
CAPITAL FUND	C-04	33,947.92	0.00	33,947.92	0.00	0.00
BOA ESCROW ACCOUNT	E-08	16,614.50	0.00	16,614.50	0.00	0.00
OTHER TRUST ACCOUNT	T-03	996.48	0.00	996.48	0.00	0.00
OPEN SPACE TRUST	T-14	5,065.00	0.00	5,065.00	0.00	0.00
RECREATION TRUST	T-19	3,030.09	0.00	3,030.09	0.00	0.00
Year Total:		9,091.57	0.00	9,091.57	0.00	0.00
Total Of All Funds:		3,190,404.39	0.00	3,190,404.39	0.00	0.00

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. -2023**

RE: RESOLUTION APPOINTING MEYNER AND LANDIS LLP SPECIAL COUNSEL

Natural Resource Damages Settlement

NJDEP v Handy & Harmon, et al.

Docket No. BER-L-8605-19

WHEREAS, the Borough of Montvale ("Borough") desires to hire special counsel to assist the Borough in providing comments to NJDEP regarding the proposed settlement in the referenced matter to make sure natural resource damage ("NRD") settlement funds are directed to the Borough for reasonable NRD projects as permitted by law; and to negotiate, mediate, arbitrate, and litigate the matter as may be necessary to achieve satisfactory results, subject to Borough approval; and to work with the TBLs Group, an NRD consulting firm knowledgeable with NRD protocols and designing NRD projects pursuant to service proposals approved in advance by the Borough(hereinafter "Work"), and

WHEREAS, the law firm of Meyner and Landis LLP (Albert I. Telsey, Esq.) has submitted the attached retainer proposal indicating the firm will provide legal services as Special Counsel to undertake the Work set forth above for the Borough; and

WHEREAS, Special Counsel shall be hired by means of a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.8; and

WHEREAS, the Borough's purchasing agent has determined and certified that the value of the services will exceed \$17,500.00; and

WHEREAS, the law firm of Meyner and Landis LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Meyner and Landis LLP has not made any contributions to a political or candidate committee in the Borough in the previous one (1) year and this Resolution prohibits the law firm of Meyner and Landis LLP from making any contributions through the term of the contract;

NOW THEREFORE, BE IT RESOLVED by the Borough Council of Montvale, County of Bergen, State of New Jersey that:

1. Pursuant to N.J.S.A. 40A:11-1 et seq., the law firm of Meyner and Landis LLP be and is hereby appointed as Special Counsel for the purpose described herein.
2. The law firm of Meyner and Landis LLP is prohibited from making any contribution to a local or Bergen County political or candidate committee during the term of this appointment.
3. The Mayor and the Borough Clerk be and are hereby authorized to enter into a contract with Meyner and Landis LLP on behalf of the Borough in connection with this appointment by countersigning the attached retainer proposal.

4. The Business Entity Disclosure Certification and Determination of Value is to be placed on file with this Resolution.
5. A copy of this Resolution shall be printed once in the appropriate local newspaper(s) and is to be retained on file in the Office of the Borough Clerk.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: July 13, 2023

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor

I, Frances Scordo, Clerk of Borough of Montvale, in the County of Bergen and State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough of Montvale, County of Bergen, State of New Jersey at a regular meeting of said Committee held on _____, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of Borough of Montvale in the County of Bergen and State of New Jersey on this _____ day of _____ 2023.

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. -2023**

RE: A Resolution Expressing Municipal Opposition To New Jersey General Assembly Bill A-4376, A Bill Which Would Impose Unconscionable Restrictions On A Local Municipality's Right And Ability To Manage Land Use On Public And Private Land As Well As Within The Public Rights-Of-Way In Regard To The Deployment And Modification Of Telecommunications Facilities

WHEREAS, pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Home Rule Act, as well as sections 253 and 332 of the federal Telecommunications Act (47 U.S.C. 253; 332(c)(7)), and a local jurisdiction's police powers, as established by law, regulation and custom, a municipality retains the right and authority to establish reasonable regulations concerning the placement, installation and alteration of telecommunications facilities

WHEREAS, the Borough of Montvale ("Municipality") desires to retain these rights and authorities, consistent with state and federal laws, and which allow it to, among other things, establish regulations regarding the placement and alteration of telecommunications facilities which encourage judicious siting of said facilities in order to minimize the total number of facilities throughout the Municipality and which encourage collocation when possible, and which help to minimize the adverse visual impact of said facilities via careful design, landscaping and screening techniques, on the aesthetic character of the Municipality; and

WHEREAS, on February 8, 1996, the federal government adopted the Telecommunications Act which, among other things, preserves a local government's authority over the "placement construction and modification of personal wireless service facilities" (47 U.S.C. §332(c)(7)(A)) while, at the same time, making it unlawful for a local government to prohibit or have the effect of prohibiting the provisions of personal wireless service (47 U.S.C. 332(c)(7)(B)(i)(II)), and provides that local government "shall not unreasonably discriminate among providers of functionally equivalent services" (47 U.S.C. §332(c)(7)(B)(i)(I)); and

WHEREAS, on November 18, 2009, the Federal Communications Commission ("FCC") adopted a declaratory ruling at Docket WT Docket No. 08-165 titled "Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance" in regard to the provisions of the Telecommunications Act which require the timely siting, by establishing 90 and 150 day shot clock timeframe provisions for wireless siting applications; and

WHEREAS, on February 22, 2012, the federal government adopted the Middle Class Tax Relief and Job Creation Act which, among other things, contains provisions designed to improve and expedite wireless siting applications by specifying that eligible facilities requests which do not substantially increase the size of an existing tower or base station must be approved by local governments, with this subset of telecommunications provisions becoming subsequently known as the Spectrum Act; and

WHEREAS, on January 17, 2012, the State of New Jersey adopted the New Jersey Collocation Law (N.J.S.A. 40:55D-46.2), which specifies, among other things, that site plan review may not be required if a proposed modification does not result in an area greater than 2,500 square feet for a wireless communications compound; and

WHEREAS, on October 17, 2014, the FCC adopted a Report and Order (the "Infrastructure Order") at WT Docket No. 13-238 titled "Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies", which clarified the provisions of the Spectrum Act by describing the types of modifications to wireless facilities which constitute an Eligible Facilities Request, as the term is used in the Spectrum Act, including that a modification may not increase the height of a facility by more than 10% of its existing height; and

WHEREAS, on June 9, 2020, the FCC adopted a Declaratory Ruling and Notice of Proposed Rulemaking at WT Docket No. 19-250 titled "Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012" in order to further clarify the provisions of the Spectrum Act in regards to what type of modification constitutes an Eligible Facilities Request, including specifying which modifications do not defeat the originally intended concealment elements of an existing facility, when the FCC mandated 90 and 150 day shot clocks commence and permitted height increases for towers outside the public right-of-way; and

WHEREAS, on October 27, 2020, the FCC adopted a Report and Order at WT Docket No. 19-250 titled "Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012" in order to further clarify the provisions of the Spectrum Act by specifying the extent to which an Eligible Facilities Request to modify an existing wireless may expand said facility in size and dimensions, including that an existing facility may be expanded by up to 30 feet in any one direction; and

WHEREAS, on September 26, 2018, the FCC adopted an order entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment," (FCC-18-133A or the "Small Cell Order"), which was upheld for the most part by the Ninth Circuit Court of Appeals on August 12, 2020, concerning City of Portland et al. vs. the FCC; and

WHEREAS, the Small Cell Order places 60 and 90 day shot clock time limits on the municipal decision-making process for applications for the placement of small wireless facilities, the replacement of existing poles and the placement of new poles in the public right-of-way; and

WHEREAS, on June 27, 2022, A-4376 was introduced and sponsored by Carol A. Murphy of the 7th legislative district with said bill, among other things, intending to combine aspects of the above-referenced FCC rulings regarding the Telecommunications Act, the Spectrum Act and small wireless facilities in the public right-of-way, while also going well above and beyond said rulings in regard to its intention to preempt a local jurisdiction's right and authority to manage its territory and rights-of-way; and

WHEREAS, on June 5, 2023, the Assembly Telecommunications and Utilities Committee amended and favorably reported A-4376; and