

**SPECIAL MEETING
MINUTES**

A Special Meeting of the Mayor and Council was held on Zoom and called to order at 10:33AM. Adequate notification was published in the official newspaper of the Borough of Montvale.

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting was provided to The Bergen Record 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, Dave Lafferty; Administrator, Joe Voytus; and Borough Clerk, Fran Scordo

ROLL CALL:

Councilmember Arendacs

Councilmember Lane

Councilmember Cudequest

Councilmember Roche

Councilmember Koelling

Councilmember Russo-Vogelsang

Mayor Ghassali read the following statement:

The joint court is comprised of three towns, Montvale as the lead agency, Woodcliff Lake and Park Ridge. The process of the joint court calls for the three towns to unanimously agree on recommending a judge to the governor to appoint with the consent of the district State Senator and the hiring of the prosecutor and the public defender. The joint court committee comprised of the three towns did not agree on the judge or the prosecutor and came to a standstill.

Montvale has the obligation by contract to provide an efficient court operation using our facility and resources, without the judge and the prosecutor, we cannot fulfill the contract. Our option was to withdraw from the joint court and offer a court shared service with one year notice given to Park Ridge and Woodcliff Lake.

I want to share with you that as of late last night, with the help of our State Senator Holly Schepisi and others, we came to an agreement with Park Ridge and Woodcliff Lake on a judge and a prosecutor. The judge is Anthony Bocchi and the prosecutor is Rosario Presti. I spoke to Anthony Bocchi last night and he assured me that he will run an efficient court, I also spoke to several of his references and all vouch for him with positive feedback. I also spoke to Rosario Presti several times in the past few months.

I spoke to Mayor Rendo and Mayor Misciagna last night and we are all in agreement that our committees need to meet on regular basis, especially next year, and to provide regular updates to the Mayor and Council on the court operation. A regular standing quarterly meeting is sufficient but if our staff needs an ad-hock meeting for a quick decision, that the three towns committee are obligated to see to it that they provide what our staff needs, so we can continue to operate the court system.

The Montvale governing body decided today to continue with the joint court and to work closely with the committees and staff as we move forward. I will also be more involved in the process as well and I feel confident that the new judge and prosecutor will serve our towns well.

NEW BUSINESS:a. Professional Appointments to Pascack Joint Municipal Court

Councilmember Lane stated he is the original committee member; the court is 10 years old. He would like to see the court survive. In the past, it was the committee members focus to have experience in the operations of the court. He is disappointed to be appointing a Judge with no municipal court experience. In the beginning the court was innovative at the time, now we are seeing why other towns went to a shared court. The concept of a shared court rather than a joint court leaves the responsibility, in this case Montvale, with greater control, we do not have that control. This is a process that is not working as well as it should, it is not working the way it was designed. We have not use experience as a primary factor. Going into 2024 with eyes wide open.

Councilmember Koelling stated he agrees with Councilmember Lane and shares his concerns with lack of experience point of view. He knows how hard the police department works on these cases and would like to see them go through with the assistance of the court. I too, will be keeping an eye on the court.

Councilmember Arendacs agrees with councilmembers. Look at the revenue Montvale PD is doing and give them the credit they deserve. Working together and communication is key.

Councilmember Cudequest agrees with everything that has been said. We need to keep a close eye on everything. If this is not working out, when will we be able to make decisions in regards to breaking off. Mayor Ghassali stated there is a process. We will be having monthly updates from the liaisons and also from our court administrator and staff.

Councilmember Russo-Vogelsang agrees with councilmembers. She asked the question of do we have assurances from Woodcliff Lake and Park Ridge that they will participate actively to avoid this in the future. Mayor Ghassali stated he spoke with the mayor's of each town and they all agreed to have open lines of communication.

Councilmember Roche what if it happens again, we are in it for the next 2 years.

b. Resolution No. 242a-2023 Authorizing the Withdrawal from the Pascack Joint Municipal Court
242a-2023 A Resolution Authorizing Withdrawal By The Borough Of Montvale From The Pascack Joint Municipal Court

WHEREAS, on or about February 8, 2011, the Borough of Montvale, The Borough of Woodcliff Lake and the Borough of Park Ridge (collectively, the "Municipalities") entered into a Shared Services Agreement ("Agreement") pursuant to N.J.S.A. 2B:12-1 *et seq.* concerning the establishment of a Joint Municipal Court known as the "Pascack Joint Municipal Court" ("Joint Court"); and

WHEREAS, the Agreement was established in accordance with the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 *et seq.*; and

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

WHEREAS, on or about July 20, 2023, a new Agreement was made to continue the operations of the Pascack Joint Municipal Court by and among the Municipalities; and

WHEREAS, the July 20, 2023 Agreement provides for an expiration date of December 31, 2030, except that one of the Municipalities may withdraw from the Joint Court by delivering written notice to the Joint Court and all Municipalities of its intention to withdraw from the Joint Court no less than one full year prior to the date of withdrawal, to be effective January 1st no earlier than one full year subsequent to the date of the Notice of Withdrawal; and

WHEREAS, the Borough of Montvale has determined that it is in its best interests to withdraw from the Joint Court;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Montvale, County of Bergen, in the State of New Jersey that the Borough of Montvale provides Notice to the Pascack Joint Municipal Court, the Borough of Woodcliff Lake and the Borough of Park Ridge that it shall withdraw from the Pascack Joint Municipal Court effective January 1, 2025; and

BE IT FURTHER RESOLVED, that the Borough Administrator is authorized to commence a feasibility study concerning a shared Municipal Court or other Shared Services Agreement concerning the use of Municipal Court facilities in the best interests of the Borough of Montvale; and

BE IT FURTHER RESOLVED, that the Mayor, Borough Administrator and Borough Attorney are authorized to execute any additional documents necessary to effectuate the withdrawal by the Borough of Montvale from the Pascack Joint Municipal Court

Councilmember Lane made a motion to withdraw the resolution; seconded by Councilmember Koelling – all ayes

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 Cudequest - all ayes

Grace Galvin

What are the other 2 towns objections, why do they not want to cooperate with us??? Mayor Ghassali explained that it wasn't about cooperation, it was about the choice of judge and prosecutor. All 3 towns have to agree unanimously. What happen to our current judge and prosecutor?? Mayor Ghassali stated our judge retired and our prosecutor resigned. Mrs. Galvin said we can have this issue again with the prosecutor. Mayor said yes.

Corrado, former Councilman from Woodcliff Lake

Lucky the town of Montvale to have a mayor like you. As a former councilman for Woodcliff Lake who was on the committee. He will assist the mayor and council to make sure that they participate in the meetings. Communication was the fallout and will make sure that it doesn't happen again.

Sherwin Tsai

To avoid this in the future, would it be prudent to strike the unanimous from the agreement and perhaps give Montvale a bigger say.

Mrs. Hayes

What is the difference between a shared court and a joint court?? Councilmember Lane stated that 10 years ago each town did have their own separate court. A number of towns have a shared court which uses the court without the responsibility. The joint court was designed differently the 3 towns would manage the court. Shared court is utilized by a number of towns. Our borough attorney added by saying Paramus has a shared court with Oradell and Maywood which means, Paramus hears cases from Oradell and Maywood and the fines go back to those towns respectively. Paramus maintains overall control. The borough

administrator also added that initially when a study was done years ago the 3 towns were evenly divided with court revenue. Currently, Montvale has 58% of the revenue, which brings some challenges, hopefully we can make it work going forward. What happens if this doesn't work. Councilmember Lane stated we can renegotiate a new agreement into a shared service.

Lawrence

How is it possible with all the attorneys in Bergen County, they only one who you have found that would be appointed for a lifetime appointment is someone with no municipal court experience, it makes no sense.

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

Re-Organization Meeting will be held on Monday, January 1st at 12:00 Noon

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

Meeting adjourned at 11:15am

Respectfully submitted, Frances Scordo, Municipal Clerk