

**PUBLIC MEETING  
MINUTES**

The Public Meeting of the Mayor and Council was held in Council Chambers and called to order at 7:31PM. Adequate notification was published in the official newspaper of the Borough of Montvale. County Commissioner Tom Sullivan 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, Dave Lafferty; Borough Engineer, Jamie Giurintano; Administrator, Joe Voytus; and Municipal Clerk, Fran Scordo

**ROLL CALL:**

Councilmember Arendacs	Councilmember Lane - absent
Councilmember Cudequest	Councilmember Roche - arrived 7:45pm
Councilmember Koelling	Councilmember Russo-Vogelsang

**County Commissioner – Tom Sullivan**

Mr. Sullivan spoke in regards to the ongoing Opioid crisis. Bergen County just passed a resolution to have Narcan available in case of an accidental overdose in all Bergen County public buildings. Narcan will be added to the defibrillators already in the buildings. The only cost to the borough would be training people on how to administer Narcan. Mr. Sullivan also reached out the high school as well. Councilmembers all agreed that it was a great idea. Mr. Sullivan will provide Mayor Ghassali with a sample resolution and contacts at Bergen County to start the process.

**ORDINANCES:**

None

**MEETING OPEN TO PUBLIC:**

Agenda Items Only

*Motion to open meeting to the public by Councilmember Russo-Vogelsang; seconded by Councilmember Cudequest – all ayes*

***No Public Comment***

*Motion to close meeting to the public by Councilmember Koelling; seconded by Councilmember Russo-Vogelsang – all ayes*

**MEETING CLOSED TO PUBLIC:**

Agenda Items Only

**MINUTES:**

**February 27, 2024**

*A motion to accept minutes by Councilmember Cudequest; seconded by Councilmember Russo-Vogelsang – 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.

**72-2024 Resolution Authorizing Person-To-Person & Place-To-Place Transfer for Plenary Retail Consumption License from ERA Hospitality LLC to OSI/Fleming’s LLC**

**WHEREAS**, an application has been filed for a Person-to-Person & Place-to-Place Transfer of Plenary Retail Consumption License Number 0236-33-004-009, heretofore issued to OSI/Fleming’s LLC for premise located at 210 Market Street, Montvale, NJ 07645; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the licensed business and all additional financing obtained in connection with the license business;

**WHEREAS**, advertising requirements have been satisfied which are attached to the original of this resolution and no objections to the transfer were submitted to the Municipal Clerk; and

**BE IT RESOLVED**, that the Borough of Montvale Governing Body does hereby approve, effective March 14, 2024, the transfer of the aforesaid Plenary Retail Consumption License to OSI/Fleming’s, LLC, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to OSI/Fleming’s, LLC, located at 210 Market Street, Montvale, NJ 07645 effective March 14, 2024.”

**NOW, THEREFORE BE IT RESOLVED**, the Municipal Clerk shall forward a certified copy of this resolution to the Division of Alcohol Beverage Control and to Douglas J. Sherman, Esq, of Post Polak PA on behalf of OSI/Fleming’s, LLC.

**73-2024 Resolution Authorizing the Public Sale of Certain Municipal Property Identified as Block 804 Lot 17 Owned by the Borough of Montvale Not Required for Public Purposes Pursuant to N.J.S.A.40A:12-13**

**WHEREAS**, the *Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq.*, authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

**WHEREAS**, the Borough of Montvale is the owner of certain real property not needed for public use; and

**WHEREAS**, pursuant to *N.J.S.A. 40A:12-13*, municipalities are authorized to sell property not needed for public use by open public sale at auction to the highest bidder after advertisement thereof in a newspaper circulating in the municipality or municipalities in which the lands are situated, by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such sale; and

**WHEREAS** the parcel to be sold, consisting of approximately 0.314 acres, is identified as Block 804, Lot 17 on the official Tax Map of the Borough (hereinafter the “Property”); and

**WHEREAS**, the Property is presently vacant land that is encumbered by easements for both electric service (Orange and Rockland Utilities) and a gas pipeline (Tennessee Gas); and

**WHEREAS** the Borough has determined that it is in the best interests of the Borough to sell the Property.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale, in the County of Bergen and State of New Jersey, that the Property identified herein shall be sold by open

public sale at auction for not less than fair market value, said sale being made expressly subject to the following terms and conditions:

**Section 1.** The Property herein identified shall be sold, pursuant to *N.J.S.A. 40A:12-13(a)*, by open public sale at auction to the highest bidder for not less than fair market value. It is the responsibility of the bidder to determine whether the Property is subject to any encumbrances, liens, zoning

regulations, easements, other restrictions, and the Borough makes no representations as to the parcel identified herein:

Identified as Block 804, Lot 17 as depicted on the Tax Assessment Map of the Borough of Montvale

**Section 2.** Right of reentry. The Borough intends to retain all existing utility easements, if any, and public rights-of-way.

**Section 3.** The minimum bid for this Property is ten thousand dollars (\$10,000.00), and the Borough of Montvale expressly reserves the right to accept the highest bid received or to reject all bids in its sole discretion.

**Section 4.** The public auction shall be conducted on **Thursday, April 11, 2024, at 10:00 a.m.** at the Borough of Montvale Municipal Complex, 12 DePiero Drive, Montvale, New Jersey.

**Section 5.** The Buyer shall further abide by the following terms and conditions:

- A. The Buyer shall conduct all necessary title searches prior to the date of the sale. The cost for any title insurance shall be the responsibility of the Buyer.
- B. The description of the property above is intended as a general guide only and may not be accurate. This lot shall be conveyed subject to existing encumbrances, liens, zoning regulations, easements, other restrictions, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property.
- C. The Buyer, at its sole expense, shall have a right to conduct environmental and other inspections of the Property with results satisfactory to Buyer and its lender but must complete such inspections within thirty (30) days of acceptance of the Buyer's bid at auction.
- D. The Borough Engineer or other approved engineer shall prepare a survey of the entire tract being sold in form and substance satisfactory to the Borough and the Buyer. Said survey shall be at Buyer's sole expense, and said survey shall be certified to the Borough.
- E. The sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Borough of Montvale, including, without limitation those concerning disposition of municipal real estate.
- F. No employee, agent or officer of the Borough of Montvale has any authority to waive, modify or amend any of the conditions of the sale, whether orally or in writing.
- G. No employee, agent or officer of the Borough of Montvale shall have the ability to bid on the subject property at auction.
- H. The Property shall be conveyed by Bargain and Sale Deed With Covenant Against Grantor's Acts and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without representation as to character of title of the property to be conveyed.

- I. The Buyer shall deposit cash, check or money order in the amount of not less than 10% of the purchase price at the time that the bid is accepted at the auction. If the prospective Buyer defaults on the contract of sale and/or fails to proceed with the purchase of the Property, the deposit shall be forfeited and shall become the property of the Borough.
  
- J. The Buyer shall pay at the time of closing:
  - (1) The balance of the purchase price;
  - (2) Legal fees incurred by the Borough for transfer of title, including the cost of production of legal documents;
  - (3) Engineering fees incurred by the Borough in determining the exact dimensions of the Property; and
  - (4) The cost of advertisement of the sale.
  
- K. The Buyer shall covenant and agree to abide by appropriate zoning, subdivision, health and building regulations and codes and shall stipulate that this sale will not be used as grounds to support any variance from the regulations and codes except where such necessary variances are granted.
  
- L. The purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other properties.

**Section 6.** No representations of any kind are made by the Borough of Montvale as to the condition of the Property; the Property is being sold in its present condition “as is.” The Borough does not warrant or certify title to the Property and in no event shall the Borough of Montvale be liable for any damages to the Buyer/successful bidder if title is found unmarketable for any reason and the Buyer/successful bidder waives any and all right in damages or by way of liens against the Borough, the sole remedy being the right to receive a refund, prior to closing, of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful bidder to examine title to the Property prior to the closing. Notice of any alleged defect in title or claim of unmarketability must be served on the Borough Clerk by the Buyer in writing no later than thirty (30) days after the execution of the contract of sale. Failure upon the part of the Buyer to give written notice within said time shall be deemed conclusive proof that the Buyer accepts the title in its present condition, and the Borough shall not be responsible for any subsequent claims of defect in title and shall not be required to refund money or correct any defect in title or be held liable for damages.

**Section 7.** Pursuant to *N.J.S.A. 40A:12-13*, the description of the property to be sold and the terms and conditions of said sale shall be published in a newspaper circulating in the municipality in which the lands are situated, by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such public auction.

**Section 8. Severability.** If any section, sentence or any other part of this Resolution is adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this Resolution but shall be confined in its effect to the section, sentence or other part of this Resolution directly involved in the controversy which such judgment shall be rendered.

**74-2024 Awarding a Contract to Storr Tractor Company for the Purchase of a Clay Infield Groomer and Related Equipment Under Bergen County Co-Op Bid #22-09**

**WHEREAS**, the Borough of Montvale has a need to procure field grooming equipment for use by the Pascack Valley DPW to maintain Montvale clay infields; and

**WHEREAS**, Storr Tractor Company has been awarded a contract under Bergen County Co-Op Bid #22-09 to provide a Field Pro 6040 and related equipment which satisfies the needs of the Borough; and

**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the Borough of Montvale is a member of the Bergen County Co-Op; and

**WHEREAS**, the DPW Superintendent obtained a quote from Storr Tractor Company, 3191 US 22, Branchburg, New Jersey, 08876, in the total amount of \$39,754.40, a copy of which is attached hereto; and

**WHEREAS**, the Borough's Chief Financial Officer has certified that sufficient funds have been appropriated and are available for this purchase in the Montvale Open Space Trust Fund, said certification being attached hereto and made a part hereof.

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

1. A contract is hereby awarded to Storr Tractor Company pursuant to the attached quote under Bergen Co-Op Bid #22-09.
2. All appropriate officials, officers and employees are directed, authorized and empowered to take all steps reasonably necessary to effectuate the provisions and purposes of this resolution.
3. This resolution shall take effect immediately.

**75-2024 Authorizing the Contract Agreement of Police Chief Douglas McDowell**

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Body of the Borough of Montvale that the following employed is hereby confirmed, effective January 1, 2024 through December 31, 2026. Police Chief - Douglas McDowell

**76-2024 Authorizing the Contract Agreement of Police Captain Alisha Foley**

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Body of the Borough of Montvale that the following employed is hereby confirmed, effective January 1, 2024 through December 31, 2026. Police Captain - Alisha Foley

**78-2024 Authorize Change Order No. 2 for 2021 Road Improvement Program – DLS Contracting, Inc.**

**WHEREAS**, the Borough of Montvale awarded a contract via Resolution No.48-2022 to DLS Contracting, Inc. 271 US Hwy 46, Suite D-205 Fairfield, New Jersey 07004 for the 2021 Road Improvement Program; and

**WHEREAS**, the original contract amount including Alternate A was \$671,739.00; and

**WHEREAS**, the Borough Engineer, in a letter dated March 8, 2024, which is attached to the original of this resolution has been monitoring the project and recommends in full detail the proposed Change Order #2 to decrease the amount of the contract by \$(46,824.97); and

**Contractor**

Total Contract Amount Base Bid	\$ 629,096.00
Alternate A	\$ 42,643.00
Change Order #1	\$ 71,801.20
Change Order #2	<u>\$ (46,824.97)</u>
Adjusted Total Contract Amount	\$ 696,715.23

**NOW THEREFORE BE IT RESOLVED**, By the Governing Body of the Borough of Montvale authorize Change Order #2 in the amount of a decrease \$(46,824.97); and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale that the above reference change order #1 is hereby approved.

*Introduced by: Councilmember Cudequest; seconded by Councilmember Russo-Vogelsang - a roll call was taken – all ayes*

**77-2024 A Resolution of the Borough of Montvale Authorizing the Execution of an Agreement with the Pascack Valley Regional High School District Board of Education Concerning the Hiring and Placement of Special Police Officer IIIs at Pascack Hills High School/For the 2024/2025 School Year**

**WHEREAS**, the State of New Jersey has created a new class of Special Police Officers known as Special Police Officer III (SLEOIII) specifically and solely for the purpose of school security as outlined in NJSA 40A:14-146.10, 40A:14-146.11, 40A:14-146.14, and 40A:14-146.16; and

**WHEREAS**, the Borough of Montvale (the "Borough") and the Pascack Valley Regional School District (the "District") Board of Education (the "Board") agree that having security personnel that are police officers and specifically trained for school security is a best practice for the safety and security of the students and staff at Pascack Hills High School; and

**WHEREAS**, the Borough and the Board agree that school security is of the utmost importance to create a safe learning environment for students; and

**WHEREAS**, the Borough and the Board desire to enter into an agreement concerning the hiring by the Borough and placement of SLEO IIIs in Pascack Hills High School; and

**WHEREAS**, the Borough and the Board have negotiated an agreement concerning same that is acceptable to the Chief of Police, a copy of which is on file with the Municipal Clerk.

**NOW, THEREFORE, BE IT RESOLVED** that the agreement entitled "AGREEMENT CONCERNING THE HIRING AND PLACEMENT OF SPECIAL POLICE OFFICER IIS IN PASCACK HILLS HIGH SCHOOL BY AND BETWEEN THE BOROUGH OF MONTVALE AND PASCACK VALLEY REGIONAL SCHOOL DISTRICT" FOR THE YEAR 2024/2025 is hereby approved, and the Mayor and Borough Clerk are hereby authorized to execute same in substantially the form negotiated, subject to approval as to form by the Borough Attorney; and

**BE IT FURTHER RESOLVED** that the Mayor, Borough Clerk, and all other appropriate officials are hereby authorized and empowered to take all steps necessary and appropriate to effectuate the purposes of this Resolution.

*Introduced by: Councilmember Koelling; seconded by Councilmember Russo-Vogelsang - a roll call was taken – all ayes*

*Councilmember Cudequest asked for clarification. The administrator stated this is the annual agreement with the schools*

**BILLS:** Administrator read the Bill Report.

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

**REPORT OF REVENUE:** Administrator read the Report of Revenue – February

**COMMITTEE REPORTS:**

**Councilmember Cudequest**

Library

Renovations are underway, painting is complete and carpeting is being installed; currently the library is closed through March 19 and no book drop at this time; 40 library cards have been issued; new children's classes have been added; 6 concerts are scheduled for the summer.

BOH

Conducted inspections on 7 food establishments, all were satisfactory; mold complaint at the Coutyard by Marriot, inspections were done and there were no signs of leakage or mold. Currently, the hotel is under renovations; food complaint at Naya, inspections were done and no issues were found; a piece of wood was found in a salad at Wegmans, it was determined that it was a pre-made salad from an outside company.

Seniors

Bingo and pizza on Friday March 15; St. Patrick's Day luncheon is on March 21; town hall meeting is on March 20 at 7pm

**Councilmember Arendacs**

Mayor's Advisory Committee

Next meeting is scheduled for Monday, April 1st

DPW

Ball fields are being worked on; street sweeping is ongoing, catch basins are being cleared;

Engineering

PSE&G gas main replacement on Grand Ave is completed; Grand Ave will be paved by Bergen County in the Spring; water main replacement on Terkuile Rd is completed; NJDOT awarded \$187,000 for paving of Woodland Road also slated to start this Spring. In the process to construct new sidewalks on Memorial Drive by the senior community center.

**Councilmember Koelling**

Police

Monthly report included in original minutes;

Planning Board

Master plan meeting continues making progress;

**Councilmember Russo-Vogelsang**

Economic Development Committee

Ongoing meeting with corporations and looking to expand the medical industry

Local BOE

First meeting of strategic planning will be on March 18 at Fieldstone library and second meeting will be on April 17 at Memorial library both at 7pm

Construction

Pottery Barn and Williams Sonoma are moving very quickly and getting close to final inspections. Flemings is underway; Montvale apartments on Summit is 100% filled.

**Council President Roche**

Special Events/Recreation

Egg coloring is on Saturday, March 23 from 10-12 at Memorial Cafetorium; opening day for MAL will be on April 13, thanks to the DPW for getting the fields ready.

Chamber of Commerce

Street Fair will be on June 9<sup>th</sup> from 10-5

**Mayor Ghassali**

Thanked all at the residents that attended the Village of Chestnut Ridge planning board meeting, it was standing room only. Some residents spoke in addition to Mayor Ghassali and our borough attorney in opposition of the proposed warehouse. It seems the planning board will be making concessions regarding entrance and exit with tracker trailers, in addition to other concessions. Reminded everyone about the town hall meeting on March 20 at the senior community center at 7pm.

Borough Clerk mentioned about the County Board of Elections coming to the senior community center on March 27 at 10am for a demonstration on how to vote on the new machines.

**ENGINEER'S REPORT: Jamie Giurintano**

Report included with original minutes

**2024 Road Improvement Program**

The proposed roads are Maureen Court, Ellsworth Terrace, White Oak Court, Hering Road, donnybrook Road, Crestview Terrace, Cypress Peak Lane, Burdick Road, Wildwood Court, Hollow Wood Lane

**Valley View Pump Station**

Looking for quotes to do video inspections

**ATTORNEY'S REPORT: David Lafferty, Esq.**

127 Summit Ave with Veolia will be closing tomorrow, March 15; DePiero property, they are still before the Planning Board and are scheduled to appear at the next meeting on March 19; attended the Village of Chestnut Ridge Planning Board meeting and the applicant has made some accommodations to by the Alexa.

**ADMINISTRATOR'S REPORT: Joe Voytus**

New "Welcome to Montvale" signs should be installed next week; Hometown Heros banners currently have 40 applications; playground equipment at Huff Park is almost completed; new HVAC that was installed for this building should be turned on this week; Finance committee met again and will introduce the budget on March 26.

**UNFINISHED BUSINESS:**

a. Discussion – Rent Control Ordinance

Borough attorney stated he did some research and found 23 towns in Bergen County that have a rent control ordinance; generally, the towns that have a high percentage of apartments like Fort Lee, Englewood and Hackensack have this ordinance; none of the surrounding communities have it; how it works currently in the State of NJ there are no restrictions on how much a landlord can increase rent once an apartment becomes available; under a rent control ordinance a landlord can only increase between 2 and 6% cap; also a rent control board needs to be formed as well, if an ordinance is passed.

**NEW BUSINESS:**

a. Discussion – Bergen County Grants

The administrator stated we will be applying for 2 grants, one for the Octagon House as an Historic landmark and the other grant would be for LaTrenta field improvements for the mound and safety netting. All councilmembers agreed to proceed.

b. Discussion – Draft Ordinance – EV Chargers

The administrator stated that the State has put in place a model ordinance that is in affect right now; worked with all the professionals including police, fire and borough planner. We made slight changes to the model ordinance in sections A through F. This will be introduced at a later date.

c. Woodcliff Lake Pool

Councilmember Arendacs mentioned he spoke with Woodcliff Lake and they would have Montvale residents pay the same rate as Woodcliff Lake residents for their pool in exchange WCL residents would receive Montvale rates for the pickleball and basketball courts. *A motion by Councilmember Roche, seconded by Councilmember Arendacs to allow the rates of Montvale residents to Woodcliff Lake residents for use of our pickleball and basketball courts – all ayes*

**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 Cudequest; seconded by Councilmember Roche*  
*- all ayes*

***No public comment***

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

**MEETING CLOSED TO THE PUBLIC:**

**ADJOURNMENT:**

*Motion to adjourn Public Meeting by Councilmember Koelling; seconded by Councilmember Cudequest*  
*- all ayes*

Meeting was adjourned at 8:29pm

Regular Workshop Meeting of the Mayor & Council to be held at 7:30pm on March 26, 2024

Introduction of Municipal Budget to be held on March 26, 2024 at 7:30pm

Public Hearing and Adoption of Municipal Budget to be held on April 30, 2024 at 7:30pm

Informal Town Hall Meeting to be held on March 20, 2024 at 7PM at Senior Community Center

Voting Demonstration to be held on March 27, 2024 at 10am at Senior Community Center

**Respectfully submitted, Frances Scordo, Municipal Clerk**