

**WORK SESSION  
MINUTES**

The Work Session Meeting of the Mayor and Council was in the Council Chambers and called to order at 7:39pm. 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

Also Present: Mayor Ghassali; Borough Attorney, Dave Lafferty; Administrator, Joe Voytus; Borough Engineer, Jamie Giurintano; Municipal Clerk, Fran Scordo

**ORDINANCES:**

**PUBLIC HEARING OF ORDINANCE NO. 2024-1555** AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 200 TO REVISE RESTRICTIONS RELATED TO HUNTING AND THE DISCHARGING OF WEAPONS

**WHEREAS**, the Borough recently became aware of a number of individuals who were hunting on Borough-owned property within Montvale; and

**WHEREAS**, the State Conservation Officer has made recommendations to the Borough to revise certain sections of the Borough Code to assist the Montvale Police Department and New Jersey Fish and Wildlife in deterring hunters and enforcing Borough ordinances.

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

**Section 1.** Chapter 200, "Firearms and Hunting," Section 1, "Hunting," is hereby amended and supplemented by adding the underlined text and deleting the bracketed text, as follows:

**§200-1 Hunting.**

It shall be unlawful for any person to hunt or pursue game or wild animals with firearms or any other type of weapon [within the municipal limits of] on municipal property within the Borough of Montvale.

**Section 2.** Chapter 200, "Firearms and Hunting," Section 2, "Discharging firearms," is hereby renamed "Discharging weapons" and is further amended and supplemented by adding the underlined text and deleting the bracketed text, as follows:

**§200-2 Discharging weapons.**

Within the corporate limits of the Borough of Montvale, no person or persons shall [discharge, fire or set off any] shoot, fire or discharge any bow-and-arrow(s), crossbow, BB gun, spring gun, weapon, revolver, pistol, gun, rifle, shotgun, air gun or firearm of any description which propels with force a bullet, shot, pellet or other projectile. [using cartridges, gunpowder, air pressure or any other explosive substance.]

A. Nothing herein contained shall be construed to extend such prohibition to law-enforcement officers or to qualified military personnel while in the legal and proper pursuit of their duties or to target practice in and upon a firing range or site approved by the Chief of Police and governing body of the Borough of Montvale.

**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. 2024-1555** by Councilmember Russo-Vogelsang; seconded by Councilmember Lane; Clerk read by title only. Motion to open meeting to public by Councilmember Lane; seconded by Councilmember Cudequest - all ayes*

*Kurt Riabov, 57 North Ave*

*Wanted an explanation about this ordinance*

*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*

*Boro Administrator stated, this came out of an incident that individuals were bow hunting on the property of 127 Summit Ave, the police spoke with the State Fish & Wildlife and the way our ordinance currently reads we cannot issue violations; this ordinance is being updated to be consistent with State Law.*

**INTRODUCTION OF ORDINANCE NO. 2024-1556** AN ORDINANCE OF THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE CHAPTER 400 "ZONING", ARTICLE VIII "OFF-STREET PARKING AND LOADING" TO AUTHORIZE ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) AND MAKE-READY PARKING SPACES

(public hearing 6-25-24)

*A motion to Introduce Ordinance **2024-1556** for first reading was made by Councilmember Russo-Vogelsang; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Bergen Record; seconded by Councilmember Roche - a roll call was taken – all ayes*

**INTRODUCTION OF ORDINANCE NO. 2024-1557** AN ORDINANCE OF THE BOROUGH OF MONTVALE TO ADD A NEW CHAPTER 315 ENTITLED "SALT STORAGE" TO THE BOROUGH CODE

(public hearing 6-13-24)

*A motion to Introduce Ordinance 2024-1557 for first reading was made by Councilmember Russo-Vogelsang; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Bergen Record; seconded by Councilmember Roche - a roll call was taken – all ayes*

*Councilmember Cudequest asked for an explanation of this ordinance; Boro Administrator stated due to Stormwater Regulations this ordinance is for private owners like corporate offices where salt may be stored for snow removal.*

**INTRODUCTION OF ORDINANCE NO. 2024-1558** AN ORDINANCE OF THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE CHAPTER 400 “ZONING”, ARTICLE IX “SIGNS” TO AMEND REGULATIONS RELATED TO SIGNS IN THE OR-1, OR-2, OR-3, AND OR-4 ZONING DISTRICTS

(public hearing 6-25-24)

*A motion to Introduce Ordinance 2024-1558 for first reading was made by Councilmember Russo-Vogelsang; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Bergen Record; seconded by Councilmember Roche - a roll call was taken – all ayes*

*Boro Administrator stated that this ordinance was recommended by the Planning Board to make it easier for multi-tenant buildings to have signage to make it more business friendly.*

**MINUTES:**

May 9, 2024

*A motion to accept the minutes by Councilmember Lane; seconded by Councilmember Roche - all ayes with the exception of Councilmembers Koelling and Russo-Vogelsang 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.

**108-2024 Cancel 2023 Unused Spotted Lanternfly Grant**

**WHEREAS**, certain Unappropriated and Appropriated Grant Reserves for 2023 Spotted Lanternfly Program Receivables and Reserves remain dedicated to programs now completed and closed; and

**WHEREAS**, as the Chief Financial Officer has stated, the grant years 2023 are unused and are considered closed; and

**WHEREAS**, the 2023 Financial Statement has been completed, and the final balances of the Un-appropriated and Appropriated Grant Reserves Current Fund and Receivables have been verified and closed.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Montvale, in the County of Bergen, State of New Jersey, that the Chief Financial Officer is instructed to cancel the following dedicated balances of the Un-appropriated and Appropriated Reserves Current Fund as follows:

|                         |                        |             |
|-------------------------|------------------------|-------------|
| 2023 Spotted Lanternfly | Appropriation Reserves | \$ 9,480.00 |
| Program                 | Unappropriated Reserve | \$ 9,480.00 |

**109-2024 Requesting Approval Of Items Of Revenue And Appropriation N.J.S.A. 40a:4-87 – 2024 Distracted Driving Crackdown. U Drive. U Text. U Pay**

**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 2024 Municipal Budget in the sum of \$7,000, 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:  
Distracted Driver Grant.

**BE IT FURTHER RESOLVED** that the like sum of \$7,000 is hereby appropriated under the caption:

General Appropriations:  
(A) Operations – Excluded from “CAPS”  
Public and Private Revenues Offset by Revenues  
Distracted Driver Grant.

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

**111-2024 A Resolution Authorizing a Two-Year Extension to a Contract with American Asphalt & Trucking, LLC for Emergency Roadway Repairs (Open-Ended)**

**WHEREAS**, by Resolution No. 76-2022 the Borough did award a two-year contract to American Asphalt & Trucking, LLC for Emergency Roadway Repairs (Open Ended); and

**WHEREAS**, said contract provided for two (2) mutual option years; and

**WHEREAS**, the Borough has determined that American has been performing said services satisfactorily and is therefore desirous of extending said contract; and

**WHEREAS**, the Borough’s Chief Financial Officer has certified that funds have been appropriated and are available for this purpose, which certification shall be updated as future work is ordered under this contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale that a two-year extension to the above-referenced contract is hereby approved; and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute an extension to the contract with American, subject to approval as to form by the Borough Attorney.

**112-2024 A Resolution Authorizing a Two-Year Extension to a Contract with Colonnelli Brothers, Inc. for Emergency Sanitary Sewer Repairs (Open-Ended)**

**WHEREAS**, by Resolution No. 75-2022 the Borough did award a two-year contract to Colonnelli Brothers, Inc. for Emergency Sanitary Sewer Repairs (Open Ended); and

**WHEREAS**, said contract provided for two (2) mutual option years; and

**WHEREAS**, the Borough has determined that Colonnelli has been performing said services satisfactorily and is therefore desirous of extending said contract; and

**WHEREAS**, the Borough's Chief Financial Officer has certified that funds have been appropriated and are available for this purpose, which certification shall be updated as future work is ordered under this contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale that a two-year extension to the above-referenced contract is hereby approved; and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute an extension to the contract with Colonnelli, subject to approval as to form by the Borough Attorney.

**113-2024 Authorize Release of Escrow – Peter Papay –133 Upper Saddle River Road- Block 201, Lot 5**

**WHEREAS**, Peter Papay has requested release of escrow posted for 133 Upper Saddle River Road, Block 201, Lot 5; 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 escrow to Peter Papay, to be mailed to 100 Hilltop Road, Ramsey, NJ 07446 in the amount of \$1,076.00; and

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

**114-2024 Authorize Release of Escrow – KPMG LLP – 3 Chestnut Ridge Road – Block 3102, Lot 1.02 AND 75 Chestnut Ridge Road – Block 2701, Lot 2**

**WHEREAS**, KPMG LLP has requested release of escrow posted for 3 Chestnut Ridge Road – Block 3102, Lot 1.02 AND 75 Chestnut Ridge Road – Block 2701, Lot 2; 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 escrow to KPMG LLP in the amount of \$19,222.98; and

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

**115-2024 Resolution Authorizing Person-To-Person & Place-To-Place Transfer for Plenary Retail Consumption License from MO & SY Corp. to Wine 2021, Inc.**

**WHEREAS**, an application has been filed for a Person-to-Person & Place-to-Place Transfer of Plenary Retail Consumption License Number 0236-44-001-006, heretofore issued to MO & SY Corp. for premise located at 14 S. Kinderkamack Road, 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 May 30, 2024, the transfer of the aforesaid Plenary Retail Consumption License to Wine 2021, Inc., 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 Wine 2021, Inc., located at 14 S. Kinderkamack Road, Montvale, NJ 07645 effective May 30, 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 Jason C. Mandia, Esq, of Stone Mandia, LLC on behalf of Wine 2021, Inc.

**116-2024 A Resolution Awarding a Contract to Nielson of Morristown Pursuant to State Contract #23- FLEET-34934 for the Purchase of a 2023 Dodge Charger (LDEE48) Police AWD**

**WHEREAS**, the Borough of Montvale has a need to acquire a 2023 Dodge Charger (LDEE48) Police AWD 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 Nielson of Morristown pursuant to State Contract #23-FLEET-34934 for said vehicle in the total amount of \$42,629.25; and

**WHEREAS**, the Borough is desirous of awarding this contract and purchasing said vehicle from Nielson of Morristown pursuant to the January 4, 2024 Quote, 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, THERE IT BE RESOLVED** that the Borough of Montvale hereby accepts the January 4, 2024 Quote from Nielson of Morristown, 200 Ridgedale Avenue, Morristown, New Jersey 07960, for the aforementioned vehicle 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 #23-FLEET-34934 and subject to approval by the Borough Attorney.

**117-2024 Authorize Release of Escrow – Rahul Tiwari – 57 North Kinderkamack Road-Block 1504, Lot 6**

**WHEREAS**, Rahul Tiwari has requested release of escrow posted for 57 North Kinderkamack Road, Block 1504, Lot 6; 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 escrow to Rahul Tiwari, to be mailed to 75 Howard Drive, Apt. F, Bergenfield, NJ 07621 in the amount of \$1,616.50; and

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

**118-2024 A Resolution Awarding a Contract to Goosetown Communications for a Mobile Police Scanner for Use by the Montvale Police Department**

**WHEREAS**, the Borough of Montvale has authorized a contract to acquire a 2023 Dodge Charger (LDEE48) Police AWD for use by the Montvale Police Department to replace a police vehicle recently totaled in an accident; and

**WHEREAS**, the Borough of Montvale has a need to procure a new mobile scanner to replace equipment that was also damaged in the accident; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-12a and N.J.C.A. 5:34-7.29(c), 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 Treasury; and

**WHEREAS**, the Borough did solicit a quote from Goosetown Communications for the mobile scanner, in the amount of \$680.00; and

**WHEREAS**, the mobile scanner shall be fully funded by proceeds directly paid by the Joint Insurance Fund as a result of the totaling of the other police vehicle; and

**WHEREAS**, the balance due from the Borough shall be zero dollars (\$0.00); and

**WHEREAS**, the Borough is desirous of awarding this contract and purchasing said mobile scanner from Goosetown Communications pursuant to the May 3, 2024 Quote, 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**, as follows:

1. The Borough of Montvale does approve the attached Quote from Goosetown

Communications, 58 North Harrison Ave, Congers, NY 10920 for one Mobile Scanner for use by the Montvale Police Department.

2. The Mayor, Borough Clerk and/or Borough Administrator are hereby directed, authorized and empowered to execute an agreement with Goosetown Communications consistent with this resolution.

3. This resolution shall take effect immediately.

**119-2024 A Resolution Awarding a Contract to DLS Contracting, Inc. for the 2024 Montvale Road Program Pursuant to the 2024 Riverside Cooperative Road Improvement Program Contract RC-35-24-01**

**WHEREAS**, the Borough has a need to procure road paving services for the 2024 Montvale Road Program; and

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

**WHEREAS**, pursuant to Section 11 of the Local Public Contracts Law, N.J.S.A. 40A:11-11, the Borough is a member of a cooperative pricing system for the provision of goods and services with the Riverside Cooperative (the "Co-op") with the Borough of Northvale as the Lead Agency; and

**WHEREAS**, the Borough of Northvale did publicly advertise for bid for paving services for the participating members of the Co-op; and

**WHEREAS**, the Borough of Northvale on behalf of the Co-op did award a Master Contract to DLS Contracting, Inc., a copy of which is attached hereto, which provides for individual unit pricing to be utilized by the participating members, including Montvale; and

**WHEREAS**, the Borough is desirous of entering into a contract through the Co-op with DLS for paving services for the 2024 Montvale Road Program on an open-ended basis at the prices and on the terms and conditions of the Master Contract; and

**WHEREAS**, the Borough is desirous of utilizing DLS to pave a number of roads throughout the Borough, which may include but not be limited to the following roads:

Maureen Court  
White Oak Court  
Donnybrook Road  
Cypress Peak Lane

Wildwood Court  
Ellsworth Terrace  
Hering Road  
Crestview Terrace  
Burdick Road  
Hollow Wood Lane

**WHEREAS**, any and all contracts entered into pursuant to this resolution shall remain subject to review and approval as to form by the Borough Attorney; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Montvale does hereby award the above-referenced open-ended contract pursuant to Riverside Cooperative Contract RC-35-24-01, as follows:

| <b>Vendor</b>                                                     | <b>Contract Amount</b>   |
|-------------------------------------------------------------------|--------------------------|
| DLS Contracting, Inc.<br>36 Montesano Road<br>Fairfield, NJ 07004 | \$773,188.59 (estimated) |

**BE IT FURTHER RESOLVED** that the above contract price is estimated based on unit pricing and subject to change based on final quantities ordered on an open-ended basis, the CFO to provide an appropriate certification of the availability of funds at the time each Purchase Order is issued; and

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

**120-2024 A Resolution Awarding a Contract to East Coast Emergency Lighting, Inc. Pursuant to State Contract #17-FLEET-00761 for the Installation of Various Equipment for the Department’s New 2023 Dodge Charger**

**WHEREAS**, the Borough of Montvale has authorized a contract to acquire a 2023 Dodge Charger (LDEE48) Police AWD for use by the Montvale Police Department to replace a police vehicle recently totaled in an accident; and

**WHEREAS**, the Borough has a need to procure installation services for certain equipment that was recently purchased; 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 East Coast Emergency Lighting, Inc. pursuant to State Contract #17-FLEET-00761 for the installation of said equipment in the total amount of \$4,931.25; and

**WHEREAS**, the Borough is desirous of awarding this contract and purchasing said equipment from East Coast pursuant to the May 14, 2024 Quote, 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** as follows:

1. The Borough of Montvale hereby accepts the May 14, 2024 Quote from East Coast Emergency Lighting, Inc., 200 Mecco Drive, Millstone Twp., New Jersey 08535, for the aforementioned equipment.



2. The Mayor, Borough Clerk and/or Borough Administrator are hereby directed, authorized and empowered to execute an agreement with East Coast Emergency Lighting consistent with this resolution and all the conditions applicable to State Contract #17-FLEET-00761 and subject to approval by the Borough Attorney.
3. This resolution shall take effect immediately.

**121-2024 A Resolution Awarding a Contract to East Coast Emergency Lighting, Inc. Pursuant to State Contract #17-FLEET-00761 for the Purchase and Installation of Various Equipment for the Department's New 2023 Dodge Charger**

**WHEREAS**, the Borough of Montvale has authorized a contract to acquire a 2023 Dodge Charger (LDEE48) Police AWD for use by the Montvale Police Department; and

**WHEREAS**, the Borough has a need to procure certain equipment and installation of said equipment for this vehicle; 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 East Coast Emergency Lighting, Inc. pursuant to State Contract #17-FLEET-00761 for the purchase and installation of said equipment in the total amount of \$15,244.90; and

**WHEREAS**, the Borough is desirous of awarding this contract and purchasing said equipment from East Coast pursuant to the February 27, 2024 Quote, 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** as follows:

1. The Borough of Montvale hereby accepts the February 27, 2024 Quote from East Coast Emergency Lighting, Inc., 200 Mecco Drive, Millstone Twp., New Jersey 08535, for the aforementioned equipment and installation.
2. The Mayor, Borough Clerk and/or Borough Administrator are hereby directed, authorized and empowered to execute an agreement with East Coast Emergency Lighting consistent with this resolution and all the conditions applicable to State Contract #17-FLEET-00761 and subject to approval by the Borough Attorney.
3. This resolution shall take effect immediately.

**122-2024 Resolution Authorizing the Execution of a Release and Hold Harmless Agreement Between Toll NJ I, LLC, Edward B. King and Nichapat M. King, And The Borough Of Montvale, On Property Known As 3 Driftway Lane, Unit #407, Montvale, New Jersey**

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), on July 2, 2015, the Borough of Montvale (hereinafter "Montvale Borough" or the "Borough") filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter "Fair Share Plan"), to be amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

**WHEREAS**, the Borough simultaneously sought, and ultimately secured, a protective order providing Montvale Borough immunity from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

**WHEREAS**, that process ultimately led to a Judgment of Compliance and Repose (“JOR”), which approved the Borough’s Housing Element and Fair Share Plan (“HEFSP”) and which granted immunity from Mount Laurel litigation until at least July of 2025; and

**WHEREAS**, one of the Borough’s approved compliance mechanisms within its Fair Share Plan was a proposed for-sale housing project to be developed on Block 1903, Lot 7, which was to produce sixteen (16) for-sale affordable housing units; and

**WHEREAS**, Toll NJ I, LLC (“Toll”), became the contract purchaser of the site, received the requisite approvals, constructed the site, executed properly recorded deed restrictions, and obtained certificates of occupancy (COs) on the site; and

**WHEREAS**, one of the affordable units on the property, 3 Driftway Lane, Unit #407, Montvale, NJ 07645, was properly deed restricted and recorded to be reserved for a moderate income individual pursuant to the Uniform Housing Affordability Controls (U.H.A.C.), N.J.A.C. 5:80-26.1, *et. seq.*; and

**WHEREAS**, Toll sold the moderate income located at 3 Driftway Lane, Unit #407 Montvale, NJ 07645, to Edward B. King & Nichapat M. King (hereinafter “the Kings”); and

**WHEREAS**, upon further review of the documents provided by the Kings, it was determined that the Kings’ income did not qualify them to be able to close upon the property located at 3 Driftway Lane; and

**WHEREAS**, after further discussions between Toll, the Kings, and the Borough, the parties agree for the property to be sold back to Toll for the purposes of the property being occupied by a qualified low or moderate-income individual, as those terms are defined in U.H.A.C.; and

**WHEREAS**, to assist in the sale between Toll and the Kings, the Borough has agreed to release any claims it may have against the Kings.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, as follows:

1. The Borough Council hereby directs, authorizes and empowers the Mayor and Borough Clerk to execute the Release and Hold Harmless Agreement attached hereto as Exhibit A.
2. The Borough hereby directs its Affordable Housing Counsel to take all actions reasonable and necessary to effectuate this Agreement, including filing with the Court, if necessary.

**123-2024 A Resolution Rescinding Resolution No. 97-2024 and Awarding a Contract to Gates Flag & Banner Co., Inc. Pursuant to N.J.S.A. 40A:11-6.1 for Veterans Banners**

**HEREAS**, the Borough of Montvale has a need to procure banners for the Montvale Proudly Salutes our Veterans program; and

**WHEREAS**, the Borough did previously award this contract to Gates Flag & Banner Co., Inc. via State Contract but is desirous of rescinding said resolution after determining that the State Contract number was incorrect; and

**WHEREAS**, because the contract amount is less than the bid threshold but more than 15% of said amount, the Borough did solicit three quotes for said contract pursuant to N.J.S.A. 40A:11-6.1; and

**WHEREAS**, the most advantageous quote, price and other factors considered, was from Gates Flag & Banner Co., Inc. in the total amount of \$11,140 for sixty (60) banners and hardware; and

**WHEREAS**, the Borough is desirous of awarding this contract to Gates pursuant to N.J.S.A. 40A:11-6.1; 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 Quote(s) from Gates Flag & Banner Co., Inc., 6 E. First Street, Clifton, New Jersey 07011-1002, for the aforementioned banners and hardware and directs, authorizes and empowers all appropriate officials to execute an agreement and/or purchase order for this contract subject to approval by the Borough Attorney.

**124-2024 Refund Tax Overpayment / Block 2507, Lot 10 – 4 Lewis Road**

**WHEREAS**, a resolution authorizing the Borough of Montvale to refund an overpayment of taxes for the property located at 4 Lewis Road, also known as Block 2507, Lot 10;

**WHEREAS**, an online payment was made by the homeowner to the wrong Block and Lot; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to refund \$3,089.00 to:

KNC Fuel Inc  
1640 Anderson Ave.  
Fort Lee, NJ 07024

**125-2024 Amending Resolution No. 70-2024 To Establish Recreational Fees for Year 2024**

**WHEREAS**, The Recreation Department hereby establishes the programs, times and fees for various programs; and

**WHEREAS**, the Recreation Director has recommended that the following fees, programs, and times be revised as described; and

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the following fees and programs and services be and are hereby established

**TIME SCHEDULE FOR PICKLEBALL COURTS:**

Weekdays and Weekends:

8:00AM - Dusk

| <u>Program Name</u>            | <u>Session Length</u> | <u>Resident Fee</u>                     | <u>Non-Resident Fee</u>              |
|--------------------------------|-----------------------|-----------------------------------------|--------------------------------------|
| <b>30+ Basketball</b>          | Sept-May              | \$75                                    | \$95                                 |
|                                | Jan-May               | \$40                                    | \$60                                 |
| <b>Adult Soccer</b>            | 10 weeks              | \$15                                    | \$20                                 |
| <b>Golf Instruction</b>        | 6 weeks               | \$115                                   | \$135                                |
|                                | 8 weeks               | \$150                                   | \$170                                |
| <b>Pickleball Instruction</b>  | 6 weeks               | \$120                                   | \$140                                |
|                                | 8 weeks               | \$160                                   | \$180                                |
| <b>Summer Camp: Grades 1-5</b> | 4 weeks               | \$450 per child<br>\$1350 family<br>max | \$500 per child<br>\$1500 family max |

**BOROUGH OF MONTVALE**

**MAY 28, 2024**

|                                                                                               |                                                                                                                                                                                                                                                                                                                                                                   |                            |                                |
|-----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|--------------------------------|
| <b>Adventure Camp: Grades 6-7</b>                                                             | 4 weeks                                                                                                                                                                                                                                                                                                                                                           | \$550 per child            | \$610 per child                |
| <b>Summer Camp Resident/Non-Resident</b>                                                      | <p>\$30 Additional Fee after Registration Period. \$25 late charge for every 15 minutes a child is left under care after camp dismissal. Payment shall be made directly to the Camp Director or Asst. Director and turned over to the Borough of Montvale.</p> <p>Camp financial assistance fee amounts will be at the discretion of the Recreation Director.</p> |                            |                                |
| <u><b>Program Name</b></u>                                                                    | <u><b>Session Length</b></u>                                                                                                                                                                                                                                                                                                                                      | <u><b>Resident Fee</b></u> | <u><b>Non-Resident Fee</b></u> |
| <b>Extended Day Multisport Camp by TGA</b><br>During Summer Camp Weeks Only                   | 1 week (2:30-6:30pm)                                                                                                                                                                                                                                                                                                                                              | \$220                      | \$250                          |
| <b>Multisport Camp by TGA</b><br>After Summer Camp Weeks Conclude and/or During School Breaks | 1 week (Half Day)                                                                                                                                                                                                                                                                                                                                                 | \$245                      | \$255                          |
|                                                                                               | 1 week (Full Day)                                                                                                                                                                                                                                                                                                                                                 | \$295                      | \$305                          |
|                                                                                               | 1 week (Full Day + After Care)                                                                                                                                                                                                                                                                                                                                    | \$375                      | \$395                          |
| <b>The Way- The Art of Life</b>                                                               | 8 weeks (@ 2 classes per week)                                                                                                                                                                                                                                                                                                                                    | \$120                      | \$180                          |
| <b>Tai Chi</b>                                                                                | 8 weeks                                                                                                                                                                                                                                                                                                                                                           | \$80                       | \$100                          |
| <b>Montvale Senior Club Tai Chi Discount:</b>                                                 | 8 weeks                                                                                                                                                                                                                                                                                                                                                           | \$40                       | \$40                           |
| <b>Tennis Lessons</b>                                                                         | 6 weeks                                                                                                                                                                                                                                                                                                                                                           | \$120                      | \$150                          |
|                                                                                               | 8 weeks                                                                                                                                                                                                                                                                                                                                                           | \$160                      | \$200                          |
| <b>Tennis Badges</b>                                                                          |                                                                                                                                                                                                                                                                                                                                                                   |                            |                                |
| Adult (Ages 18-61)                                                                            | March-December                                                                                                                                                                                                                                                                                                                                                    | \$30                       | \$60                           |
| Child (Ages 17 & Younger)                                                                     | March-December                                                                                                                                                                                                                                                                                                                                                    | \$10                       | \$20                           |
| Family Max                                                                                    | March-December                                                                                                                                                                                                                                                                                                                                                    | \$60                       | \$120                          |

**BOROUGH OF MONTVALE**

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|                           |                                                        |                                           |       |
|---------------------------|--------------------------------------------------------|-------------------------------------------|-------|
| Seniors (Ages 62 & Up)    | March-December                                         | \$15                                      | \$30  |
|                           |                                                        | \$10 Fee for Replacement Tennis Badge     |       |
| <b>Basketball Badges</b>  |                                                        |                                           |       |
| Adult (Ages 18-61)        | Residents: Lifetime<br>Non-Residents: January-December | Free                                      | \$25  |
| Child (Ages 17 & Younger) | Residents: Lifetime<br>Non-Residents: January-December | Free                                      | \$15  |
| Seniors (Ages 62 & Older) | Residents: Lifetime<br>Non-Residents: January-December | Free                                      | \$10  |
|                           |                                                        | \$5 Fee for Replacement Basketball Badge  |       |
| <b>Pickleball Badges</b>  |                                                        |                                           |       |
| Adult (Ages 18-61)        | January-December<br>(weather permitting)               | \$30                                      | \$100 |
| Child (Ages 17 & Younger) | January-December<br>(weather permitting)               | \$10                                      | \$30  |
| Seniors (Ages 62 & Older) | January-December<br>(weather permitting)               | \$15                                      | \$100 |
| Family Maximum            |                                                        | \$60                                      | \$200 |
|                           |                                                        | \$10 Fee for Replacement Pickleball Badge |       |
| <b>Ultimate Frisbee</b>   | 6 weeks                                                | \$75                                      | \$95  |
|                           | 8 weeks                                                | \$100                                     | \$120 |
| <b>Volleyball- Adult</b>  | January-May                                            | \$240                                     | \$260 |
| <b>Volleyball- Girls</b>  | 10 weeks                                               | \$200                                     | \$220 |

**BOROUGH OF MONTVALE****MAY 28, 2024**

|                                |                    |      |       |
|--------------------------------|--------------------|------|-------|
| <b>Women's Softball- Adult</b> | April - August     | \$60 | \$70  |
| <b>Yoga</b>                    | 8 weeks            | \$80 | \$100 |
| <b>Yoga Mini Session</b>       | 4 weeks            | \$40 | \$100 |
| <b>Youth Theater</b>           | September-December | \$10 | \$50  |

**WHEREAS**, Borough Owned Recreational Fields and Facilities shall be scheduled by the Borough of Montvale Field Coordinator; and

**WHEREAS**, Montvale Athletic League ("MAL"), Montvale Recreation and Pascack Hills High School shall have first priority field scheduling use and shall be provide a schedule to the Field Coordinator no later than February 1 and June 1 for the respective Spring and Fall seasons.

**WHEREAS**, MAL, Recreation, Pascack Hills High School and churches are exempt from payment of fees relating to field use.

| <u>Facilities</u>                                                                                     | <u>Fee</u>                             | <u>Resident Team/Corporation</u>       | <u>Non-Resident Team/Corporation</u>     |
|-------------------------------------------------------------------------------------------------------|----------------------------------------|----------------------------------------|------------------------------------------|
| <b>Ballfields:</b> Baseball or Softball (Memorial, Fieldstone or LaTrenta)                            | Per Hour Per Field<br>(2 hour minimum) | \$25                                   | \$50                                     |
| <b>Turf Fields:</b> Soccer or Lacrosse (Fieldstone)                                                   | Per 2 Hour Time Slot Per Field         | \$75 (full field)<br>\$50 (half field) | \$150 (full field)<br>\$100 (half field) |
| <b>Basketball Courts:</b> (Memorial)                                                                  | Per Hour: Court #2 Only                | \$25                                   | \$50                                     |
| <b>Tennis Courts:</b><br>(Memorial or LaTrenta)<br>*Two court maximum reservation at any one location | Per Hour Per Court                     | \$25                                   | \$50                                     |
| <b>Pickleball Courts:</b><br>(Memorial)                                                               | Per Hour Per Court                     | \$25                                   | \$50                                     |

**Field and Facility Permit Regulations**

MAL endorsed programs in sports that are not offered by MAL, and which have Montvale residents participating, shall be charged the resident fee for field use.

**Resident Corporation:** Any company that owns or leases commercial within the borough.

**Non-Resident Corporation:** Any company that does not own or lease commercial space within the borough.

**Residential Team:** Any athletic team comprised of at least 75% of its roster with Montvale residents.

**Non-Residential Team:** Any team not having at least 75% of its roster filled with Montvale residents.

**Time Slot:** An uninterrupted 1 or 2 hour time period or any part thereof, that a field/facility is being used by an approved team.

**Season:** Spring season will begin March 1 and end July 31. Fall season will begin August 1 and end December 31.

Field/Facility users who provide 7 days or more notice of changes in their scheduled use can receive a time credit if the scheduled hours are decreased. Any changes in field schedules without 7-day notice will not receive a time credit for unused field time. Time credits are only valid for the existing season and the following season.

Lightning Detection Credit Policy: If the lightning detector activates with less than 50% of scheduled time elapsed for that date, the organization shall receive a credit for that day's scheduled timeslot. If the lightning detector activates after 50% of the scheduled time has elapsed, no time credit will be granted.

Payment is required prior to use on all fields or no field use will be granted.

Once field use requests are received in full by February 1<sup>st</sup> for Spring season and June 1<sup>st</sup> for Fall season, field use will be established with the following order of preference:

1. Montvale Athletic League, Recreation and Pascack Hills High School
2. Resident: Not-For-Profit Entity
3. Resident: For Profit Entity
4. Non-Resident: Not-For-Profit Entity
5. Non-Resident: For-Profit Entity

**WHEREAS**, it is the Borough of Montvale's intention by the adoption of this resolution that if any prior established fee is in conflict with fee schedule the fees set forth in this fee schedule shall be the fees charged and any conflicting prior fee is hereby superseded, repealed and replaced with the fees adopted pursuant to this resolution.

**126-2024 Resolution Authorizing The Municipal Tax Collector To Prepare And Mail Estimated Tax Bills In Accordance With P.L. 1994, C. 72**

**WHEREAS**, the Bergen County Board of Taxation has not certified the tax rate and the Municipal Tax Collector will be unable to mail the tax bills on a timely basis; and

**WHEREAS**, the Municipal Tax Collector, in consultation with the Municipal Chief Financial Officer, has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies: and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Montvale in the County of Bergen and the State of New Jersey on this 28th day of May, 2024, as follows:

1. The Municipal Tax Collector is hereby authorized, if determined necessary, to prepare and issue estimated tax bills for the Borough of Montvale for the third installment of 2024 taxes. The Tax Collector shall proceed and take such actions as permitted and required by P.L. 1994 c. 72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2024 is hereby set at \$56,614,852
3. In accordance with law, the third installment of 2024 taxes shall not be subject to interest until the later of August 10, 2024 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

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

**110-2024 Refund Overpayment of Taxes - Due to Veteran Exempt Status – Kathleen Carrillo - Block 2502 – Lot 4**

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

**WHEREAS**, the owner of 5 Cardinal Court, Kathleen Carrillo, Block 2502, Lot 4, is totally exempt from paying taxes due to her Veteran status; and

**WHEREAS**, Ms. Carrillo’s mortgage company paid 2<sup>nd</sup> quarter taxes, which resulted in an overpayment of taxes in the amount of \$3,371.00; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to refund in the amount of \$3,371.00 to Kathleen Carrillo, 5 Cardinal Court, Montvale, NJ 07645

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

**BILLS: Administrator read the Bill Report**

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

**ENGINEER’S REPORT:**

Jamie Giurintano

Report/Update

*A pre-construction meeting will be scheduled with DLS for the road paving program; will determine what roads to include in the NJDOT 2025 grant program; the Planning Board has deemed Montvale Grove complete; Mayor Ghassali asked for the status of the guardrail on Kinderkamack and Magnolia, Jamie stated they are compiling comments to send to the County.*



**ATTORNEY REPORT:**

David Lafferty, Esq.

Report/Update

*The Planning Board of Chestnut Ridge, NY next hearing is scheduled for July 8<sup>th</sup>; closing for the DePiero property is on track for end of July or mid-August.*

**ADMINISTRATOR REPORT:**

Joe Voytus

Report/Update

Thanked the DPW for installing all the Hometown Hero banners prior to Memorial Day parade; DPW installed the "Leaving Montvale" panels on the "Welcome to Montvale" signs; replaced new LED lights in the borough hall parking lot; a new part has been ordered for the HVAC unit located at borough hall.

**UNFINISHED BUSINESS:**

*None*

**NEW BUSINESS:**

*None*

**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 Cudequest – all ayes*

Carolee Adams

*Thanked all for the Hometown Hero Banners; what about those who still want a banner, the administrator stated to have them call borough hall; wanted to confirm if the tree on East Grand Ave will be removed on June 5h; is there a program available for lead pipe replacement for homeowners; consider an alternate type of communication system if all communications is lost for a period of time due to an attack of some kind.*

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

**ADJOURNMENT:**

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

*Meeting adjourned at 8:10pm*

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