

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held in Council Chambers and called to order at 7:32PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Mayor Ghassali 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 Ghassali, Borough Attorney, Dave Lafferty; Administrator, Joe Voytus; Borough Engineer, Andy Hipolit and Municipal Clerk, Fran Scordo

ROLL CALL:

Councilmember Arendacs	Councilmember Lane
Councilmember Cudequest	Councilmember Roche – arrived 7:50
Councilmember Koelling - absent	Councilmember Russo-Vogelsang -absent

OR-ZONE ANALYSIS DISCUSSION: Borough Planner, Darlene Green

Summary included with minutes; Mayor Ghassali asked what is next; Darlene stated she would need approval to prepare the Re-examination of the Master Plan; A motion to authorize Borough Planner to proceed with OR-Zone Analysis by Councilmember Cudequest; seconded by Councilmember Lane – all ayes on a roll call vote.

PROCLAMATION: Declaring May 17, 2024 World Neurofibromatosis (NF) Awareness Day

ORDINANCES:

INTRODUCTION 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
(public hearing 5-28-24)

*A motion to Introduce Ordinance **2024-1555** for first reading was made by Councilmember Cudequest; 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*

Borough Administrator stated that there were individuals on 127 Summit, now the Veolia property, hunting. The police could only enforce certain restrictions the way the code is currently written; The PD reached out to the State for clarification and this Ordinance will add certain restrictions which will be enforceable by the PD.

MEETING OPEN TO PUBLIC:

Agenda Items Only

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

No Public Comment

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

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

April 30, 2024

A motion to accept minutes by Councilmember Cudequest; seconded by Councilmember Roche – all ayes

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.

103-2024 Refund Tax Overpayment / Block 806, Lot 4.01 – 13 Main Street

WHEREAS, a resolution authorizing the Borough of Montvale to refund an overpayment of taxes for the property located at 13 Main Street, also known as Block 806, Lot 4.01;

WHEREAS, 2 duplicate payments were made by the mortgage company; 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 \$7,767.25 to:

Visions Federal Credit Union
Attn: Laura Lessi, Mortgage Loan Processor
24 McKinley Ave
Endicott, NY 13760

104-2024 Authorize the Cancellation of 2nd, 3rd & 4th quarter taxes of 2024 and All Future Taxes Due To Granting Of Totally Disabled Veteran Status By Department Of Veterans Affairs – Kathleen Carrillo – 5 Cardinal Court – Block 2502, Lot 4

WHEREAS, this resolution authorizes the municipality to cancel property taxes for the 2nd, 3rd and 4th quarter of 2024 and for all future taxes due to the granting of totally disabled veteran status by the Department of Veterans Affairs per the Department’s letter attached to the original resolution, for Kathleen M. Carrillo. Ms. Carrillo is the owner of 5 Cardinal Court, Block 2502, Lot 4.

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 cancel 2nd, 3rd and 4th quarter property taxes and all future taxes as per the above.

105-2024 Calling for the Modernization of The Open Public Records Act (OPRA) And the Swift Passage Of S-2930/A-4045

WHEREAS, in the 2002 “lame duck” session the Open Public Records Act (OPRA) was approved to make government records, “readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest” while protecting “a citizen’s right to a reasonable expectation of privacy”; and

WHEREAS, as local leaders we reaffirm our support and commitment to open and transparent government and public access to records, at the same time, we strongly support necessary reforms; and

WHEREAS, in the twenty years since the enactment of OPRA and with the advent of new technologies, we have witnessed unintended consequences and, in some cases, abuses of OPRA that place an unfair burden on local governments and taxpayers; and

WHEREAS, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who inundate municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

WHEREAS, OPRA has become broadly construed in favor of access and the requestor who prevails in any proceeding in appealing a denial of access of records is permitted to collect exorbitant attorney’s fees, which impacts the taxpayers and municipalities who must pay these fees; and

WHEREAS, municipalities have seen outside businesses and interests who abuse OPRA for marketing and commercial gains while utilizing municipal employees paid by the taxpayers for this benefit; and

WHEREAS, due to court decisions over the years, reasonable expectations of privacy have been diminished when it comes to the balance of transparency and OPRA perpetuates for-profit data-mining, unsolicited marketing, and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

WHEREAS, when commercial entities are constantly emailing OPRA requests looking for the latest lists of dogs licensed that month, inground pool permits issued, solar roof permits issued, etc., it causes our residents to not want to license their dogs, comply with permits, or interact with the municipality because they don’t want to lose their privacy and/or have their information tracked and monetized for commercial purposes; and

WHEREAS, reforms to modernize OPRA are long overdue, among them: the need to address requests by commercial entities that utilize public records and the services of local government employees to generate profits, mandatory prevailing attorney fees, which created a cottage industry, and to add language so that such fees are based on facts and circumstances and not an automatic granting; and

WHEREAS, Senators Sarlo and Bucco and Assemblyman Danielsen and Assemblywoman Flynn have introduced S-2930/A-4045, which makes commonsense reforms that do not hinder residents or journalists from using OPRA to access public records, but will protect citizens’ personal information from disclosure, addresses the burdensome commercial requests and provide discretion when awarding prevailing attorney fees;

NOW, THEREFORE, BE IT RESOLVED, the governing body of the Borough of Montvale in the County of Bergen respectfully request the adoption of much-needed reforms to modernize and strengthen the legislative intent of the Open Public Records Act (OPRA) and urges the swift passage of S-2930/A-4045; and

BE IT FURTHER RESOLVED, as local leaders, we reaffirm our support and commitment to open and transparent government and public access to records but at the same time, we strongly support necessary reforms; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Senate President Scutari, Assembly Speaker Coughlin, Senator, Holly Schepisi, Assemblyman, Robert Auth and Assemblyman John Azzariti, Jr., Governor Murphy, and the New Jersey League of Municipalities.

106-2024 A Resolution Approving the Plan and Design for the NJDOT FY2023 – Terkuile Road Resurfacing Project and Authorizing the Receipt of Bids

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

WHEREAS, certain improvements described herein have been designed by Colliers Engineering and Design; and

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

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

1. The plans and specifications entitled “NJDOT FY2023 – Terkuile Road Resurfacing Project,” prepared by Colliers Engineering & Design, dated May 6, 2024, are hereby approved.
2. The Borough Clerk is hereby authorized to publish notice for the receipt of bids, pursuant to bid specifications prepared by the Design Professional.
3. Upon the completion of the improvements described herein above, the Design Professional shall inspect said improvements and certify to the Borough Council, before final payment is made for same, that said improvements have been constructed in accordance with the above-referenced plans, specifications and design.
4. The Borough Clerk shall archive this Resolution in a manner consistent with the purpose of perpetually documenting governmental immunity in the event of any claim based upon the plan, design or construction of the improvement.

107-2024 Borough of Montvale Fire Department LOSAP Eligible Individuals

WHEREAS, The Borough of Montvale, has adopted a LOSAP program for the members of the Montvale Fire Department; and

WHEREAS, to be eligible for the annual \$1,617.00 stipend for 2023, totaling \$27,489.00 for the Department, the Montvale Fire Department must meet certain criteria; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the Borough Treasurer initiate LOSAP payments in the name of those Fire Department members deemed eligible to receive them.

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

BILLS: Administrator read the Bill Report.

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

REPORT OF REVENUE: Administrator read the Report of Revenue for the month of April

COMMITTEE REPORTS:

Council President Roche

Special Events/Recreation

Bringing back the fishing tournament which is being renamed, "Fishing with a First Responder" it will be held on June 8th and rain date is June 9th.

Chamber of Commerce

Street Fair will be on June 9th from 10-5; This year the Chamber will be honoring Davey's 50th year Anniversary and the Fire Departments 100th year Anniversary.

Environmental Commission

April 20th was cleanup day; thank you to all who volunteered.

Councilmember Cudequest

Library

Representatives from BCCLS attended the library executive board meeting, the attendees gave compliments on the reading garden as well as the library renovation; Friends of the Library provided lunch for the library staff during Library Week; Utilizing the "Montvale Community Facebook Page" to advertise some of their programs and getting great results; children programs have increased as well;

Seniors

Had their business meeting on April 4th, lunch was provided by Jersey Mikes; Bill Ervolino, writer for the Bergen Record and Comedian attended that luncheon and joked about aging; some upcoming trips include: a guided tour of West Point, going to see "A Beautiful Noise" on Broadway, going to see the canyons of Pennsylvania and going to WoodLock Pines; their social luncheon is schedule for May 16 at Seasons.

TV Access

Many interviews are available now for viewing.

BOH

A representative from Push to Walk attended their meeting, Push to Walk is a non-profit organization that just moved into 11 Philips Parkway, they specialize in assisting people with Parkinson's, spinal cord injuries, stroke patients, Cerebral Palsy, MS and traumatic brain injuries; they help all with mobility issues, most of their patients are wheel chair bound. NorthWest inspected 9 food establishments in March and 8 in April and all were satisfactory; Flu Clinic is scheduled for Saturday, Oct 5th 9-10:30am at the Senior Center and the Rabies Clinic is scheduled for Saturday, November 16th at the DPW garage 9:30-11am

Councilmember Lane

Fire Dept

30 calls, 2 drills; 7 work details; held another fundraiser for their 100-year anniversary celebration with Dueling Pianos at the firehouse

Finance

Passed the budget – thanked all who worked on the budget

Councilmember Arendacs

Police

Monthly report included in original minutes; DARE graduation is scheduled for June 4th at Fieldstone at 9am; successful event with Bowling with a Cop; Captain Foley was participating in the Police Unity Tour by riding her bike down to DC in memory of officers who lost their lives.

DPW

Continuing the maintenance of the fields, getting ready for the Memorial Day Parade.

Engineering

Will receive bids for paving of Terkuile Rd; PSE&G completed the replacement of the gas mains on Grand Ave and paving should begin this month; applied for Bergen County Open Space Grant for Memorial Flag field improvements; received \$187,000 grant for resurfacing of Woodland Rd.

MAYOR'S REPORT:

Working with the other towns, attorneys and our Affordable housing committee on a pre-emptive plan on how to deal with 2025 new ruling on affordable housing; working with a few medical companies who are in the final stages of moving into Montvale; our medical HUB is coming along.

ENGINEER'S REPORT: Andy Hipolit

Road program will have 10 roads being paved which will begin in July through August; Terkuile Road will be paved in July; Grand Ave has not been confirmed to be paved in May, Andy suggested to wait until school is over; Mayor Ghassali mentioned about the timing of the light at Spring Valley and Grand Ave seems to be off, Andy will reach out to the county to see if the timing needs to be adjusted.

ATTORNEY'S REPORT: David Lafferty, Esq.

Watching the application in the Village of Chestnut Ridge regarding the warehouse, the meeting has been postponed to possibly June 6; the resolution was adopted by the Planning Board for the DePiero property so we are looking at possibly 60 days or so to schedule a closing.

ADMINISTRATOR'S REPORT: Joe Voytus

Currently installing new LED lights in the parking lot here; will start hanging the Veterans banners on Monday; weather permitting the painting of the flag pole in south park is scheduled for Saturday; tree on Grand Ave is schedule to be taking down on June 5th. Narcan training is scheduled for June 6th for administrative employees up to 20.

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.

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

No Public Comment

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

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

Meeting was adjourned at 8:32pm

Regular Workshop Meeting of the Mayor & Council to be held at 7:30pm on May 28, 2024

Respectfully submitted, Frances Scordo, Municipal Clerk