

PUBLIC MEETING
MINUTES

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:40PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Master Sargent Dieter Koelling, 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 and/or The Ridgewood News, 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, Joe Voytus; Borough Engineer, Andrew Hipolit; Municipal Clerk/Administrator, Maureen Iarossi-Alwan; and Deputy Municipal Clerk, Fran Scordo

ROLL CALL:

Councilmember Arendacs
Councilmember Curry
Councilmember Gloeggler

Councilmember Koelling
Councilmember Lane - absent
Councilmember Weaver - absent

Mayor Ghassali asked to move up the discussion for the employees medical benefits that was listed under New Business

a. Medical/Dental Benefits Update/Prior to Open Enrollment/Montvale Municipal Employees
Frank Covelli, Risk Manager gave a brief explanation regarding the medical benefits; the BMED (Bergen Municipal Employee Benefits Fund) medical premiums will decrease slightly for the year 2019; it was mentioned that if an employee chooses the High Deductible plan, the borough would fully fund their Health Savings Account (HSA) as an incentive; a motion to fund the HSA by Councilmember Koelling; seconded by Councilmember Curry – a roll call was taken – all ayes

ORDINANCES:

PUBLIC HEARING ORDINANCE 2018-1460 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128, "ZONING," TO REVISE THE DEFINITION OF VAPOR ESTABLISHMENT

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

Section 1. Chapter 128 of the Borough of Montvale is hereby amended and supplemented by revising Section 9.13, "Certain uses related to vapor products prohibited; definitions," by adding the underlined text and deleting the [bracketed] text, as follows:

§128-9.13 Certain uses related to vapor products prohibited; definitions.

A. Wherever used in this Chapter, the following terms shall have the meaning indicated:

VAPOR ESTABLISHMENT means a business, residence or other location: 1) in which [at least 25% of the retail business consists of] the testing, manufacturing or retail sale of vapor products takes place and in which the sale of other products is merely incidental, or 2) where services are offered that involve vapor products, including but not limited to vape lounges or social clubs involving the use of vapor products.

Section 2. 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 3. 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 4. 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 5. Effective Date.

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

Ordinance No. **2018-1460** was introduced for second reading by Councilmember Gloeggler; seconded by Councilmember Koelling; Clerk read by title only; Motion to open meeting to the public by Councilmember Koelling; seconded by Councilmember Curry - all ayes

Jarret Schumacher

Still has an Issue with the measurement of the establishment; who will enforce this? The construction code official will. Mr. Voytus stated that the measurement issue has been removed from the ordinance

Motion to close meeting to the public by Councilmember Koelling; seconded by Councilmember Curry – all ayes

Motion to adopt on Second and Final Reading in Ridgewood News by Councilmember Koelling; seconded by Councilmember Curry; Clerk read by title only; a roll call vote was taken, Councilmembers Arendacs, Curry, and Koelling voting Yes and Councilmember Gloeggler voting No

PUBLIC HEARING ORDINANCE 2018-1461 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 121 OF THE BOROUGH CODE TO ESTABLISH A SPEED LIMIT OF FIFTEEN MILES PER HOUR ON MEMORIAL DRIVE

WHEREAS, Memorial Drive in the Borough of Montvale is a dead-end street with a speed limit of twenty-five miles per hour (25 mph), running from West Grand Avenue to Bayberry Drive, at which point further travel is prohibited by a closed gate; and

WHEREAS, there presently exists a public school, a Senior and Community Center, a Fire House, and a municipal park all along or in close proximity to Memorial Drive; and

WHEREAS, as a result thereof, there are numerous pedestrians walking on and around Memorial Drive, as well as a large number of vehicles parked along Memorial Drive which impede sight distances for vehicles and pedestrians; and

WHEREAS, in order to enhance pedestrian safety in this area, the Mayor and Council are desirous of lowering the posted speed limit to fifteen miles per hour (15 mph) along the entire length of Memorial Drive; and

WHEREAS, according to the Borough Engineer, such change is consistent with the Manual on Uniform Traffic Control Devices (MUTCD); and

WHEREAS, pursuant to N.J.S.A. 39:4-197, such change does not require the approval of the Commissioner of Transportation.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Montvale as follows:

Section 1. Chapter 121, "Vehicle and Traffic," Section 39, "Schedule XV – Speed Limits," of the Borough of Montvale Code is hereby amended and supplemented by adding the underlined text, as follows:

Street	Speed limit (mph)	Stop Sign On
Grand Avenue	45	From Chestnut Ridge Road to the center of Spring Valley Road
Grand Avenue	35	From the center of Kinderkamack Road to the center of Middletown Road
Grand Avenue	30*	From the center of Mill Road to the center of Kinderkamack Road
Grand Avenue	40*	From the center of Spring Valley Road to the center of Mill Road
Kinderkamack Road	35	From the Park Ridge Borough line to the center of Hamilton Street for both directions of traffic
Kinderkamack Road	30	From the center of Hamilton Street to the center of Park Street for both directions of traffic
Kinderkamack Road	30	From the center of Park Street to the center of Railroad Avenue
Kinderkamack Road	35	From the center of Railroad Avenue to the New York State line for both directions of traffic
<u>Memorial Drive</u>	<u>15</u>	<u>From West Grand Avenue to Bayberry Drive</u>
Park Street	30	From the center of Grand Avenue to Kinderkamack Road
Railroad Avenue	30	From Kinderkamack Road to the center of Grand Avenue

* 25 MPH in Zone B when passing through the Pascack Hills High School and memorial schools areas during recess, when the presence of children is clearly visible from the roadway, or while children are going to or leaving school, during opening and closing hours.

Section 2. 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 3. 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 4. 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 5. Effective Date.

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

Ordinance No. **2018-1461** was introduced for second reading by Councilmember Gloeggler; seconded by Councilmember Koelling; Clerk read by title only; Motion to open meeting to the public by Councilmember Koelling; seconded by Councilmember Curry - all ayes

NO PUBLIC COMMENT

Motion to close meeting to the public by Councilmember Koelling; seconded by Councilmember Curry - all ayes

Motion to adopt on Second and Final Reading in Ridgewood news by Councilmember Koelling; seconded by Councilmember Curry; Clerk read by title only; A roll call vote was taken - all ayes

PUBLIC HEARING ORDINANCE 2018-1462 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 86 OF THE BOROUGH CODE TO REVISE THE PROCEDURES APPLICABLE TO THE ABATEMENT OF CERTAIN NUISANCES OR MAINTENANCE OF PROPERTY AND THE IMPOSITION OF THE COSTS THEREOF AS A LIEN UPON THE PREMISES

WHEREAS, from time to time, it is necessary for the designated Public Officer of the Borough of Montvale to arrange for the abatement of nuisances, repair of defects in certain property, or maintenance of certain property where the individual or entity responsible for same has failed to remedy same despite adequate notice having been provided by the Borough; and

WHEREAS, in such instances, the Borough is entitled to charge the costs thereof as a lien against the property after a report has been presented to the Mayor and Council by the Public Officer detailing the actions taken and the costs attendance in the abatement, repairs or maintenance; and

WHEREAS, the Borough of Montvale is desirous of amending the regulations pertaining to said procedure in order to ensure that the Public Officer can address the nuisance, repair or maintenance in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Montvale as follows:

Section 1. Chapter 86, "Property Maintenance," Section 10, "Administration," is hereby amended and supplemented by adding the underlined text and deleting the [bracketed] text, as follows:

§86-10 Administration.

D. Notice and hearing where violation discovered.

- (8) Where the person or entity responsible for the abatement of any nuisance, as nuisance is defined herein, correction of a defect in the premises or the maintenance of the premises in a proper condition so as to comply with the requirements of any municipal ordinances or state law applicable thereto fails to comply with the time specified for abatement, correction or maintenance set forth in the notice provided by the public officer, and where such abatement, correction or maintenance requires expending borough moneys therefor, the public officer shall be authorized to abate the nuisance, correct the defect or perform such work as is necessary to place the premises in the proper condition and in compliance with the ordinances of the Borough and the laws of the State. Thereafter, the public officer shall present a

report of the work performed [proposed to be done] to accomplish the foregoing to the Mayor and Council with [an estimate of] the actual costs and expenses thereof, along with a summary of the proceedings undertaken by the public officer to secure compliance, including notices served upon the owners, operators, lessors or agents, as the case may be, hearings and the order of the hearing board with reference thereto. The Mayor and Council may, thereupon, by resolution, [authorize the abatement of the nuisance, correction of the defect or the work necessary to place the premises in proper condition and in compliance with ordinances of the borough and laws of the state. The public officer may, thereafter, proceed to have the work performed in accordance with the said resolution at borough expense, not to exceed the amount specified in the resolution, and shall, upon completion thereof, submit a report of the moneys expended and costs to the Mayor and Council. After review of the same, the Mayor and Council may] approve the said expenses and costs; and they shall become a lien against the said premises and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced in the same manner as are taxes. A copy of the resolution approving the said expenses and costs shall be certified by the Mayor and Council and filed with the Tax Collector, and a copy of this report and resolution shall be sent by certified mail to the owner.

Section 2. 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 3. 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 4. 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 5. Effective Date.

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

Ordinance No. **2018-1462** was introduced for second reading by Councilmember Gloeggler;

seconded by Councilmember Curry; Clerk read by title only;

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

NO PUBLIC COMMENT

Motion to close meeting to the public by Councilmember Koelling; seconded by Councilmember Curry – all ayes

Motion to adopt on Second and Final Reading in Ridge wood news by Councilmember Koelling; seconded by Councilmember Curry; Clerk read by title only; A roll call vote was taken - all ayes

INTRODUCTION OF ORDINANCE 2018-1463 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 20 OF THE BOROUGH CODE TO REVISE THE REQUIREMENTS FOR OBTAINING A CERTIFICATE OF OCCUPANCY

(Public Hearing 10-30-2018)

A motion to Introduce Ordinance No. **2018-1463** for first reading was made by Councilmember Gloeggler; seconded by Councilmember Curry; Clerk read by title only; Councilmember Koelling made a motion that this ordinance be passed on first reading and advertised in Ridgewood News; seconded by Councilmember Curry - A roll call was taken – all ayes

Councilmember Curry asked for clarification; Mr. Voytus explained that this has been requested by the Construction Code Official that when a CCO is issued the borough will have a record of the current use of the property.

MEETING OPEN TO PUBLIC:

Agenda Items Only

Motion to open meeting to the public by Councilmember Koelling; seconded by Councilmember Curry – all ayes

Natalie Migliore, 9A Rustic Circle

She is a Real Estate agent, in the past when applying for a CCO you did not need a survey; the borough is requiring current survey, this will cost the seller approximately \$800; this will delay the closing as well;

Motion to close meeting to the public by Councilmember Koelling; seconded by Councilmember Gloeggler – all ayes

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

September 25, 2018

A motion to accept minutes by Councilmember Koelling; seconded by Councilmember Gloeggler – all ayes

MINUTES CLOSED/EXECUTIVE SESSION:

September 25, 2018

A motion to accept minutes by Councilmember Koelling; seconded by Councilmember Curry – all ayes

RESOLUTIONS:**190-2018 Authorize Grant Agreement/County of Bergen/LaTrenta Field Complex Clay Infield Removal Synthetic Turf Replacement**

BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale wish to enter into a Bergen County Trust Fund Project Contract (“Contract”) with the County of Bergen for the purpose of using a \$ 113,538.00 matching grant award from the 2017 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the municipal park project entitled LaTrenta Field Complex Clay Infield Removal Synthetic Turf Replacement, located in Montvale, on the tax maps of the Borough of Montvale;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Maureen Iarossi-Alwan, Borough Administrator/Municipal Clerk be a signatory to the aforesaid Contract; and,

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about August 1, 2020; and,

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund's requirements; and,

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible construction costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund's requirements. Professional Services Costs may be reimbursed from grant award's unexpended balance, should there be a balance.

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

The clerk explained the borough received a matching grant in the amount of \$113,538 to replace the infield turf at LaTrenta field; this will be considered for the 2019 budget

198-2018 Award Professional Service Contract/NY/NJ Trail Conference/Montvale Trail Proposal & Inter-Municipal Nature Trail

WHEREAS, the Borough of Montvale requires the services of a firm to provide a Trail Master Plan for the Borough of Montvale and related services related to a Montvale Trail & Inter-Municipal Nature Trail ;and

WHEREAS, New York/New Jersey Trail Conference has submitted a proposal to the Borough dated October 9th 2018, which sets forth the terms and conditions of Millennium's proposal to provide the Borough with such services; and

WHEREAS, Millennium's proposal sets forth an hourly fee of day fee of \$600.00, not to exceed \$2,400.00, which is detailed in the invoice attached to the original of this resolution; and

WHEREAS, the Borough is desirous of awarding a contract to New York/New Jersey Trail Conference pursuant to the Invoice; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that a contract for grant consulting services for the NJ DEP Recreational Trails Grant is hereby awarded as follows:

Contractor

New York/New Jersey
Trail Conference
600 Ramapo Valley Road
Mahwah, NJ 07430

In the amount of:

Not To Exceed \$2,400.00

Introduced by: Councilmember Koelling; seconded by Councilmember Gloeggler - all ayes
Bob Hanrahan, Environmental Commission Chairman explained this approval was just for the plan; the trail will be a one mile loop starting from Memorial to Huff Pond and through Grand Ave. Councilmember Curry asked can the funds come from the open space;

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.

191-2018 Deed Restriction/BCUW/Madeline Housing Partners, LLC/Block 1606/Lot 6

WHEREAS, there has been developed on Block 1606, Lots 6 and 6.02, an entirely affordable housing development consisting of ten (10) units in the former Library/School No. 2 building on Lot 6, and four (4) units on Lot 6.02; and

WHEREAS, a Deed Restriction establishing that the units will be governed by *N.J.A.C. 5:80-26.11* for a minimum of thirty (30) years; and

WHEREAS, the Deed Restriction further provides that the property will be governed by the Uniform Housing Affordability Controls as set forth in *N.J.A.C. 5:80-26.1, et seq.*, with the units being available solely to very low, low or moderate income households; and

WHEREAS, the subject property is included in the Borough's Housing Element and Fair Share Plan that has been approved by the Superior Court of New Jersey in the Borough's Declaratory Judgment action, Docket No. BER-L-6141-15.

NOW THEREFORE BE IT RESOLVED that Mayor Michael Ghassali and Borough Clerk Maureen Iarossi-Alwan be and are hereby authorized to execute the foregoing Deed Restriction on behalf of the Borough.

192-2018 A Resolution Awarding a Contract to Willdan Energy Solutions Incentive Program Energy Upgrades Montvale Senior Community Center/New Lighting/New HVAC Units

WHEREAS, the Borough requires energy efficiency upgrades in our Senior Community Center; and

WHEREAS, PSE&G Direct Install, For Government and Non-Profit Facilities which is offered by the PSE&G provides incentives for local governments that reduce the capital cost of investing in energy efficiency upgrades; and,

WHEREAS, the Borough has successfully completed Direct Install projects in the past, and a recent investigation of Borough owned buildings by Willdan Energy Solutions identified areas that are eligible for lighting and HVAC upgrades; and,

WHEREAS, Willdan Energy Solutions is the Direct Install contractor for Bergen County, therefore no bidding process is required; and,

WHEREAS, Willdan Energy Solutions provided proposals including a Direct Install Application, project summary form, scope of work, and not-to-exceed price is hereby attached to this resolution; and,

WHEREAS, the Administration and Borough Engineer determined that the proposals submitted by Willdan Energy Solutions are advantageous to the Borough, cost and other factors considered; and,

WHEREAS, Willdan Energy Solutions will complete and submit the Direct Install Applications to PSE&G Energy Program, and purchase and install the energy efficiency upgrades in the Senior Community Center; and,

WHEREAS, the Administration recommends authorizing Willdan Energy Solutions to Submit the Direct Install Applications to PSE&G Energy Program; and,

WHEREAS, the Administration recommends awarding a contract to Willdan Energy Solutions for completing the energy efficiency upgrades in the municipal complex in the amount of \$66,315 of which PSE&G Incentive will be \$46,421; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, that a contract is awarded to Willdan Energy Solutions in the amount not to exceed \$19,894.00. The Council hereby authorizes the Borough Administrator to execute any and all documents and take any all actions necessary to complete and realize the intent and purpose of this resolution.

Account #C-04-55-413-C00 / Amount \$ 19,894.00

193-2018 Change In Custodians Of Petty Cash Fund

WHEREAS, Marly Frasciello was the custodian of the Montvale Police Department and Susan Rutenber was the custodian of the Montvale Free Public Library Petty Cash Funds, and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Montvale Police Department and Montvale Free Public Library are changing custodians to Heather McGee, Montvale Police Department and Paul Shaver, Montvale Free Public Library; and

WHEREAS, Heather McGee and Paul Shaver are bonded in the amount of \$1,000 by virtue of a surety bond.

NOW, THEREFORE BE IT RESOLVED that the Borough of Montvale, County of Bergen hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

194-2018 Authorize Release Of Cash Performance Guarantee/Four Seasons At Ridgemont/Block 3301 Lots 2,3 4 Block 3102 Lot 1

WHEREAS, K. Hovnanian at Four Seasons At Ridgemont, LLC, 110 Fieldcrest Ave., Edison, NJ 08837 has requested a final release of their Performance Guarantee for Four Seasons At Ridgemont ; and

WHEREAS, a completed inspection of the site has been conducted by Maser Consulting P.A., which takes no exception to the release of the performance bond in the amount of \$20,000.00 for this project subject a detailed letter dated August 1, 2018 from Borough Engineer, Andrew Hipolit has been made a part of this resolution; and

WHEREAS, as recommended by the Borough Engineer the performance bond shall be release in the amount of \$20,000; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that Accounts Payable/Accounts Receivable Department is hereby authorized to release the cash performance guarantee for Four Seasons At Ridgemont, 110 Fieldcrest Ave., Edison, NJ 08837 Attn: Kathy C. Herity .

195-2018 A Resolution Approving an Amendment to the Settlement Agreement With Two Paragon Drive, LLC in the Matter Captioned *In Re Borough of Montvale, Docket No. BER-L-6141-15*, to Provide for an Alternate Means of Supporting Active and Passive Recreation

WHEREAS, the Borough of Montvale (the "Borough" or "Montvale") previously filed a Declaratory Judgment Action, captioned *In the Matter of the Petition for Approval of the Housing Element and Fair Share Plan and Spending Plan Pursuant to the Fair Housing Act, N.J.S.A. 52:27D-313, and the New Jersey Constitution, by the Borough of Montvale, Docket No. BER-L-6141-15 (the "Litigation")*;

WHEREAS, the Litigation sought a determination by the Court that the Borough had satisfied its constitutional obligation to provide for its fair share of the regional need of low- and moderate-income housing; and

WHEREAS, by agreement dated November 14, 2017 (the "Settlement Agreement"), the Borough and the Borough of Montvale Planning Board ("Planning Board") reached a settlement agreement with Two Paragon Drive, LLC ("Two Paragon") concerning the development of Block 1903, Lot 7 on the Borough's official tax map, consisting of approximately 19.9 acres located at the intersection of Paragon Drive and Summit Avenue in Montvale (the "Former A&P Site"); and **WHEREAS**, the Borough and Planning Board also reached settlements with Fair Share Housing Center and other intervenor-defendants in the Litigation, all of which were endorsed by Special Master Francis J. Banisch; and

WHEREAS, after a duly-noticed Fairness Hearing, all of these settlements, including the Settlement Agreement, were approved by Hon. Menelaos W. Toskos, J.S.C.; and

WHEREAS, after implementing the compliance mechanisms identified in the various settlements, and after a duly-noticed Compliance Hearing, Hon. Menelaos W. Toskos, J.S.C. granted the Borough of Montvale a Judgment of Compliance and Repose ("JOR"); and

WHEREAS, the Settlement Agreement between the Borough, the Planning Board and Two Paragon (collectively, the "Parties") provided for the donation by Two Paragon to the Borough of approximately 5.4 acres of land owned by Two Paragon, which were intended to be utilized for active and passive recreational purposes by the Borough; and

WHEREAS, due to certain environmental constraints and determinations made by the NJDEP, the donation of the previously-identified 5.4 acres of land is no longer feasible or desirable; and

WHEREAS, as a result thereof, the Borough and Two Paragon are desirous of amending the Settlement Agreement to provide for an alternative method of support for passive and active recreational purposes in the Borough; and

WHEREAS, the Parties have agreed on the terms of an Amendment to the Settlement Agreement to effectuate the above-stated purpose; and

WHEREAS, said Amendment makes no changes, to and is not intended to affect in any way, any provisions of the Settlement Agreement concerning the Parties' respective obligations to construct and/or facilitate affordable housing units in the Borough of Montvale on the Former A&P Site.

NOW, THEREFORE, BE IT RESOLVED that that Amendment to Settlement Agreement with Two Paragon Drive LLC is hereby approved; and

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

196-2018 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

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 IIs 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 Borough 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" 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 Curry - a roll call was taken - all ayes

BILLS: Municipal Clerk read the Bill Report.

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

REPORT OF REVENUE: Municipal Clerk read the Report of Revenue – September

COMMITTEE REPORTS:

Council President Koelling

Tri-Boro

Montvale logged: 58 calls; 845 miles; 84 crew hours

Police

Monthly report included in original minutes

A reminder to all residents, that parking on the street overnight is prohibited, if you need to park overnight please notify the police department

Environmental Commission

Seeking a secretary to attend the meetings, please send resume to Bob Hanrahan and the clerk; temporally closed the Environmental Learning Center due to slippery conditions

OEM

Applied to FEMA for reimbursement from the March snowstorm;

Councilmember Arendacs

DPW

Received some complaints regarding the high grass at LaTrenta field, it was due to the heavy rain

Recreation/Special Events

Halloween Carnival will be on Friday, October 26 at Fieldstone Middle School 7-8:30pm; Holiday Tree Lighting will be on Friday, December 7th at Memorial Drive 7-8:30pm; Holiday House Decorating Contest will begin November 23 through December 7th;

Councilmember Curry

Board of Health

Rabies clinic is scheduled for January 5th 10-11:30 at DPW garage; Held flu clinic, thanks to Wegmans for donating the juice;

Seniors

Had a picnic in September; the bocce team placed in the Bergen County bocce tournament;

Chamber of Commerce

Thanked the Chamber for donating the bell to the firehouse, it took 6 people to pull the rope to ring it at the dedication ceremony.

Website/Newsletter/Facebook

If any group in town would like something to put in the newsletter and face book please contact Carol Manhart at borough hall;

Councilmember Gloeggler

TV Access

Just finished with more interviews; asking for volunteers; they have a community bulletin for upcoming events; would like new ideas and feedback about the current programing.

Local School

516 students at Memorial School and 449 students at Fieldstone; Halloween parade at Memorial is on October 31st at 2:15;

MAYOR

Report

Working with Jarret Schumacher with the survey, he will present the information at the next meeting on the 30th; met with residents and most of their concerns are paving roads and affordable housing; would like to schedule a town hall meeting on November 1st.

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

- a. Grant Award 2017 Bergen County Open Space Trust Fund/LaTrenta Field Complex

Will send in the application

- b. Re-Discussion/2019 Bergen County CDBG Grant Application/ADA Bathrooms & Front Doors Montvale Senior Community Center/Proposed Cost Estimate For The Project

Spoke with architect, the entire project would cost approximately \$160,000, through the grant, the borough would pay half. Due to the nature of the HUD guidelines, Mr. Hipolit would not recommend applying for this grant. Will include this as a 2019 budgetary item.

- c. Proposal For Professional Engineering Construction Observation Services & Authorization To Bid NY2018 NJDOT Municipal Aid-Upper Saddle River Road

Mr. Hipolit is looking for authorization to go out to bid; a motion for authorization by Councilmember Koelling; seconded by Councilmember Curry – all ayes

- d. NJDOT Grant Application for Edgren (Entire Length) and Upper Saddle River Road (Chestnut Ridge Road going East to GSP).

Resolution 197-2018 Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the VARIOUS STREETS PROJECT.

Edgren (Entire Length) and Upper Saddle River Road (Chestnut Ridge Road going East to GSP).

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Montvale formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2019-VARIOUS STREETS-00155** to the New Jersey Department of Transportation on behalf of the Borough of Montvale.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Montvale and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Introduced by: Councilmember Koelling; seconded by Councilmember Curry - all ayes

e. **Update HVAC replacement**

Replace the HVAC unit through the PSEG incentive program; now the borough is in need of a new control system and airflow vav boxes, the approximate cost is \$200,000

Councilmember Arendacs wanted to follow up with the Dairy Queen intersection, what can the borough do as far as safety; the county did look at it and stated it's the owner of the property's responsibility.

Councilmember Arendacs asked about an update about putting a signal at Woodland and Grand Ave, the county will be installing a light there; in the meantime, traffic barrels can be installed until the light is installed.

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

In doing further research, the Community Block Grant that was proposed will require certain criteria from the borough in regards to HUD guidelines; Mr. Voytus recommends that the borough not apply for this type of grant funding.

Mayor Ghassali asked for an update in regards to 79 West Grand Ave, Mr. Voytus stated he received the signed order from the judge and the closing on the funding will be next week.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

a. **Request For Approval Of Street Names/2 Paragon Drive**

Cranberry Lane, Cottonwood Drive, Driftway Lane and Bittersweet Terrace a motion by Councilmember Koelling; seconded by Councilmember Curry to approval suggested names – all ayes

Councilmember Koelling mentioned that Police Chief Abrams will be retiring at the end of the year. Councilmember Koelling made a motion to start the process of hiring a new chief; seconded by Councilmember Curry – all ayes

Mayor announced Trunk or Treat will be held at LaTrenta field on October 28th

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 Curry; seconded by Councilmember Arendacs - all ayes

Bob Zitelli

Mentioned that on Memorial Drive there are signs stating "You have been warned" in regards to the 15mph speed limit; maybe that is a little harsh; Mayor Ghassali stated that those signs have since been removed.

Jarrett Schumacher

He spoke briefly about the town wide survey; there were 800 responses; some responses included lowering taxes, like to see more roads paved, twice a week garbage pick up in the summer, like to see the swim club made into a community garden, walking trail, band shell or community center and some would like a pool. Mr. Schumacher asked Councilmember Koelling if the police report states what type of drug offenses were reported, Mr. Koelling will check with the Police department.

Motion to close meeting to the public by Councilmember Curry; seconded by Councilmember Koelling - all ayes

ADJOURNMENT

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

Meeting was adjourned at 9:30pm

The next Workshop Session of the Mayor and Council will be held October 30, 2018 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk