

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:30pm. 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 and 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).

ROLL CALL:

Councilmember Arendacs	Councilmember Koelling
Councilmember Curry - absent	Councilmember Lane
Council President Gloeggler	Councilmember Russo-Vogelsang

Also present: Mayor, Mike Ghassali; Borough Attorney, Joe Voytus; Borough Engineer, Andrew Hipolit; Administrator/Clerk, Maureen Iarossi-Alwan and Deputy Clerk, Fran Scordo

ORDINANCES:

PUBLIC HEARING ORDINANE NO. 2019-1476 AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF MONTVALE BY ADDING A NEW CHAPTER 102, "SHORT TERM RENTALS," TO PROHIBIT SHORT TERM RENTALS IN THE BOROUGH

WHEREAS, the New Jersey Legislature has, pursuant to *N.J.S.A.* 40:52-1(d) and (n), authorized municipalities to regulate "furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof," as well as the "rental of real property for a term of less than one hundred seventy-five (175) consecutive days for residential purposes by a person having a permanent place of residence elsewhere"; and

WHEREAS, in recent years, there has been a marked increase in the advertisement of short-term rental of dwelling units for periods from one (1) to one hundred seventy-five (175) days ("Short Term Rentals") within the Borough and neighboring municipalities; and

WHEREAS, the Borough has determined that Short Term Rentals frequently result in a deterioration of the neighborhood character, public nuisance, noise complaints, overcrowding and illegal parking within the residential neighborhoods in the Borough, and the effective conversion of residential Dwelling Units into de-facto hotels, motels, or similar facilities, in violation of the Borough Code, Zoning Ordinances, and other State laws, rules and regulations; and

WHEREAS, the Borough therefore wishes to prohibit short-term rentals in order to: 1) ensure that traditional residential neighborhoods are not turned into tourist areas to the detriment of long-time residents; 2) eliminate property uses that may negatively affect property value; 3) minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals without creating additional work for the local police department; and 4) prohibit the unlawful creation of commercial enterprises in both single-family and multi-family Dwelling Units in violation of Borough Zoning Ordinances and public nuisance ordinances.

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

Section 1. The Code of the Borough of Montvale is hereby amended and supplemented by adding a new Chapter 102, "Short Term Rentals," as follows:

CHAPTER 102 – SHORT TERM RENTALS

- §102-1 Findings and purpose.**
- §102-2 Definitions.**
- §102-3 Short-Term Rentals prohibited.**
- §102-4 Permitted Uses.**
- §102-5 Advertising prohibited; Hosting Platform prohibitions.**
- §102-6 Violations, penalties and enforcement.**
- §102-1 Findings and purpose.**

The Borough of Montvale does hereby find as follows:

- A. The New Jersey Legislature has, pursuant to *N.J.S.A. 40:52-1(d)* and (n), authorized municipalities to regulate “furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof,” as well as the “rental of real property for a term of less than one hundred seventy-five (175) consecutive days for residential purposes by a person having a permanent place of residence elsewhere.”
- B. In recent years, there has been a marked increase in the advertisement of short-term rental of dwelling units for periods from one (1) to one hundred seventy-five (175) days (“Short Term Rentals”) within the Borough and neighboring municipalities.
- C. The Borough has determined that Short Term Rentals frequently result in a deterioration of the neighborhood character, public nuisance, noise complaints, overcrowding and illegal parking within the residential neighborhoods in the Borough, and the effective conversion of residential Dwelling Units into de-facto hotels, motels, or similar facilities, in violation of the Borough Code, Zoning Ordinances, and other State laws, rules and regulations.
- D. The Borough therefore wishes to prohibit short-term rentals in order to: 1) ensure that traditional residential neighborhoods are not turned into tourist areas to the detriment of long-time residents; 2) eliminate property uses that may negatively affect property value; 3) minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals without creating additional work for the local police department; and 4) prohibit the unlawful creation of commercial enterprises in both single-family and multi-family Dwelling Units in violation of Borough Zoning Ordinances and public nuisance ordinances.

§102-2 Definitions.
ADVERTISE OR ADVERTISING

Any form of solicitation, promotion, and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this chapter, as same may be viewed through various media including but not limited to, signs, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for consideration, which are prohibited by this chapter.

CONSIDERATION

Soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration including a promise or benefit, a quid-pro-quo, rent, fees, other form of payment, or thing of value.

DWELLING UNIT

Any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, single-family home, cooperative, converted space, or portions thereof, that is offered to be used, made available for use, or is actually used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s), for consideration.

HOSTING PLATFORM

A website or marketplace in whatever form, whether online or not, which facilitates Short-Term Rentals through advertising, searching, match-making or any other means, using any medium of facilitation and from which the operator of the Hosting Platform derives revenues, including but not limited to booking fees or advertising revenues, from providing or maintaining the website or marketplace.

HOUSEKEEPING UNIT

Constitutes a family-type situation, involving one or more persons, living together that exhibit the kind of stability, permanency and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court.

OCCUPANT

Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a Dwelling Unit, or portion thereof, or having other permission or possessory right(s) within a Dwelling Unit.

OWNER

Any Person(s) who legally use, possess, own, lease, sub-lease or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) one or more Dwelling Units, or who have charge, care, control, or who participates in the expenses and/or profit of a Dwelling Unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON

An individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination therewith.

RESIDENTIAL OCCUPANCY

The use of a Dwelling Unit by an Occupant(s).

SHORT-TERM RENTAL

A Residential Occupancy for a period of less than one hundred seventy-five (175) days.

§102-3 Short-Term Rentals prohibited.

- A. Notwithstanding anything to the contrary contained in the Borough Code, it shall be unlawful for a Person or Owner to receive or obtain actual or anticipated Consideration for using, authorizing, permitting, or failing to discontinue the use of any Dwelling Unit as a Short-Term Rental, as defined herein.
- B. Nothing in this Chapter will prevent formation of an otherwise lawful Residential Occupancy of a Dwelling Unit for a rental period of one hundred seventy-five (175) days or more.
- C. Nothing in this Chapter shall be deemed to prohibit the lawful operation of any hotel as that term is defined in the New Jersey Hotel and Multiple Dwelling Law, *N.J.S.A. 55:13-1*, et seq.

§102-4 Permitted uses.

The Residential Occupancy of an otherwise lawful and lawfully-occupied Dwelling Unit for a period of one hundred seventy-five (175) days or more by any Person who is a member of the Housekeeping Unit of the Owner, without consideration, such as house guests, is permitted.

§102-5 Advertising prohibited; Hosting Platform prohibitions.

- A. It shall be unlawful for any Person to Advertise by any means all actions, or failures to act, that would be in violation of the provisions of this Chapter.
- B. It shall be unlawful for any Hosting Platform to undertake, maintain, authorize, aid, facilitate or Advertise any Short-Term Rentals in violation of this Chapter.

§102-6 Violations, penalties and enforcement.

- A. The provisions of this Chapter shall be enforced by the Construction Official, Zoning Official, Health Department, other Subcode or Code Official, as their jurisdiction may arise, including legal counsel for the Borough or other persons designated by the Borough \

- B. Council, to issue municipal civil infractions directing alleged violators of this Chapter and/or to appear in court or file civil complaints.
- C. A violation of this Chapter is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.
- D. Any Person found to have violated any provision of this chapter, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$1,250. Each day of such violation shall be a new and separate violation of this Chapter.
- E. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/or injunction, reasonable attorney's fees or other fees and costs, in the Borough's Municipal Court or the Superior Court of New Jersey in the vicinage of Bergen County, or in such other Court or tribunal of competent jurisdiction, by either summary disposition or by Zoning or Construction Code municipal proceeding.

Section 2. Severability.

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

Section 3. Effective date.

This Ordinance shall take effect after adoption and publication according to law, but in no event prior to January 1, 2020.

Section 4. Repeal of inconsistent ordinances.

All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

A motion to introduce for second reading Ordinance No. 2019-1476 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 Koelling - all ayes

Carolee Adams

Mentioned if possible can a summary be provided for ordinances; does this include Airbnb; the attorney stated it does include Airbnb;

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Russo-Vogelsang - all ayes

Motion to adopt on Second and Final Reading in the Bergen Record by Councilmember Lane; seconded by Councilmember Koelling - all ayes on a roll call vote
Councilmember Lane asked if this has become an issue;

MINUTES:

December 10, 2019

A motion to accept the minutes by Councilmember Koelling; seconded by Councilmember Lane - all ayes

MINUTES CLOSED/EXECUTIVE SESSION:

December 10, 2019

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

RESOLUTIONS:

223-2019 A Resolution Authorizing The Borough Of Montvale To Enter Into A Cooperative Pricing Agreement With The Educational Services Commission Of New Jersey

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

WHEREAS, the Educational Services Commission of New Jersey, hereinafter referred to as the "Lead Agency," has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, the governing body of the Borough of Montvale, County of Bergen, State of New Jersey, is desirous of participating in a Cooperative Pricing System with the Lead Agency for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Montvale.

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

Introduced by Councilmember Lane; seconded by Councilmember Koelling - a roll call vote taken - all ayes

The borough attorney gave an explanation, stating that this is an in state shared service agreement with Middlesex County

224-2019 A Resolution Approving A Contract With FieldTurf Usa Inc. Pursuant To A Cooperative Purchasing Agreement With The Educational Services Commission Of New Jersey For Purchase And Installation Of Artificial Turf At LaTrenta Field

WHEREAS, the Borough of Montvale is subject to the provisions of the Local Public Contracts Law ("LPCL"), *N.J.S.A. 40A:11-1 et seq.*; and

WHEREAS, pursuant to Section 11 of the LPCL, *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 Educational Services Commission of New Jersey ("ESCNJ"), formerly known as the Middlesex County Educational Services Commission; and

WHEREAS, the Borough is desirous of entering into a contract through ESCNJ with FieldTurf USA, Inc. for the provision and installation of a Synthetic Turf Field at LaTrenta Field, as set forth in the proposal attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the Borough seeks to approve the bid amount of \$171,000.00, plus Alternate 1 for Performance and Payment Bonds in the amount of \$2,565.00, in satisfaction of the requirements of *N.J.S.A. 40A:11-22*, for a total contract amount of \$173,565.00; and

WHEREAS, to the extent required by the provisions of *N.J.S.A. 19:44A-20.4 et seq.*, FieldTurf shall complete and submit a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Borough of Montvale in the previous one year, and that the contract will prohibit same from making any reportable contributions through the term of the contract, pursuant to *N.J.S.A. 19:44A-20.5 et seq.*, which shall remain on file for 10 days prior to entering into a contract with the entity; and

WHEREAS, any and all contracts entered into pursuant to this resolution shall require that any and all public work to be completed under the contract be subject to the Prevailing Wage Act, N.J.S.A. 34:11-56.25 et seq.; and

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 following contract, consistent with the foregoing:

Procurement	Cooperative Contract No.	Vendor	Contract Amount
LaTrenta Field	ESCNJ 18/19-55	Fieldturf USA, Inc.	\$173,565.00

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.

Introduced by Councilmember Lane; seconded by Councilmember Russo-Vogelsang - all ayes

226-2019 A Resolution Condemning Anti-Semitism

WHEREAS, the Declaration of Independence declared that America is based upon a covenant of equality, government by the consent of the people, and the right to life, liberty and the pursuit of happiness; and

WHEREAS, the First Amendment to the Constitution established the United States as a nation committed to the principles of tolerance and religious freedom, and the 14th Amendment enshrined the concept of equal protection of the laws as a foundational principle of justice in the United States; and

WHEREAS, adherence to these principles is vital to the progress of the American people and to the strengthening of the diverse cultures, religious groups and communities in the United States; and

WHEREAS, Anti-Semitism, racism and unlawful discrimination have no place in American political discourse, regardless of one’s political affiliation; and

WHEREAS, the nearby communities of Monsey, New York, and Jersey City, New Jersey, were recently victims of violent hate crimes apparently motivated by virulent anti-Semitism; and

WHEREAS, in light of these unspeakable tragedies, the Borough would like to reaffirm its commitment to fostering a peaceful, tolerant and welcoming environment in the Borough and throughout its neighboring communities.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Montvale, that violence targeting any religion has no place in the Borough of Montvale or anywhere else, and all people are welcome in the Borough regardless of race, ethnicity, religion or sexual orientation.

Introduced by Councilmember Lane; seconded by Councilmember Koelling - all ayes
Councilmember Lane asked if the resolution can include Jersey City as well
A motion to amend the resolution to include Jersey City by Councilmember Lane; seconded by Councilmember Koelling – all ayes

227-2019 Amending Resolution No. 192-2018 A Resolution Awarding a Contract to Willdan Energy Solutions Incentive Program Energy Upgrades Montvale Senior Community Center/PSE& G Direct Install

WHEREAS, the Borough awarded a contract on October 9, 2018 via Resolution No. 192-2018 for 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, Willdan Energy Solutions was the Direct Install contractor for Bergen County, therefore no bidding process was required; and,
WHEREAS, Willdan Energy Solutions completed and submit the Direct Install Applications to PSE&G Energy Program, for final payment for the energy efficiency upgrades in the Senior Community Center; and,
WHEREAS, additional work was required at the Senior Community Center in the amount of \$526.56; and
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, that a final payment be send to PSE&G in the amount not to exceed \$20,420,56.

Introduced by Councilmember Lane; seconded by Councilmember Gloeggler - a roll call vote taken - all ayes
The clerk explained that additional work needed to be done

228-2019 A RESOLUTION TO OFFER HEALTH BENEFITS TO ELIGIBLE DEPENDENTS TO AGE 31 IN ACCORDANCE WITH STATE REGULATIONS

WHEREAS, the **BOROUGH OF MONTVALE** (hereinafter, the Municipality) is a member of the **Bergen Municipal Employee Benefits Fund** (hereinafter, the BMED) for the provision of Employee Health Benefits for all eligible employees and their dependents; and

WHEREAS, in accordance with New Jersey State Law (DU31, P.L. 2005, c. 375) all small group commercial insurance programs offered in the State must provide the ability for a Dependent that reaches maximum eligible age for coverage, the ability to extend such coverage, at their own cost, up to the age of 31 years of age; and

WHEREAS, the State Health Benefits Program (SHBP) determined, that while the State is permitted to “opt-out” of the requirement in accordance with the law, it is in the best interest of its membership to provide for such an offering; and

WHEREAS, the BMED, as a public entity, is also permitted to “opt-out” of the provisions under State Law, in recognizing the needs of its member municipalities, has determined it is in the Fund's best interest to permit member municipalities to secure dependent care coverage for eligible Dependents that would otherwise lose coverage; and

WHEREAS, the Borough of Montvale, cognizant of the value of their municipal workforce and hence, the need to maintain a competitive employee benefit package, recognizes the value to employees to have the option to purchase medical coverage for their Dependent child that may not otherwise have the ability to secure coverage at an affordable price.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, the Borough hereby authorizes the extension of Dependent Age 31 coverage for those employees meeting the eligibility requirements set forth under State law and by the BMED; and
BE IT FURTHER RESOLVED, that such coverage offering shall have no financial impact to the Borough and that all premiums associated with such coverage, if so elected, shall be borne by the individual electing such coverage; and

BE IT FURTHER RESOLVED, that such coverage offering shall become effective, retroactive to January 1, 2020 or as soon thereafter as administratively practical; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to the BMED and the Borough's Health Benefits Consultant, PIA Security Programs, 429 Hackensack Street, Carlstadt, NJ 07072, upon passage.

Introduced by Councilmember Lane; seconded by Councilmember Russo-Vogelsang - all ayes
The borough attorney explained that this is similar to Cobra to allow a dependent over the age of 26 to be covered by insurance which would be paid directly from the dependent; after a brief discussion by Councilmembers, it was decided that the attorney would get more information regarding the state law.

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.

219-2019 Authorize Hiring Part-Time Montvale TV Access Station Technician/Katherine Gray

WHEREAS, the Borough of Montvale is desirous in filling a vacancy and hiring a Montvale TV Access Station Technician for the Montvale Studio; and

WHEREAS, the position currently exists and a recommendation was made by the Committee members for the hiring of Ms. Katherine Gray; and

NOW THEREFORE BE IT RESOLVED, by the Borough of Montvale the above listed individuals is hereby appointed Montvale TV Access Station Technicians effective November 13, 2019. The rate of pay for these positions are \$15.75 per hour and other conditions are outlined in his letter of employment.

220-2019 Amending Reso.#192-2018 To Rescind Award To Willdan Energy & Award To PSE&G

WHEREAS, the Borough required 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 has completed and submitted 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 PSE&G for completing the energy efficiency upgrades in the municipal complex in the amount of \$13,540.56 and \$6,880.00 to PSE&G; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, that a contract is awarded to PSE&G in the amount not to exceed \$20,420.56 and the work to be done by Willdan Energy Solutions.

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.

221-2019 Cancellation of Tax and Excess Sewer Overpayments or Delinquent Amounts Less than \$10.00

WHEREAS, N.J.S.A. 40A:5-17 allows for the cancellation of property tax and excess sewer overpayments or delinquent amounts in the amount of less than \$10.00; and

WHEREAS, the Mayor and Council may authorize the Tax Collector to process, without further action on their part, any cancellation of property tax and excess sewer overpayments or delinquencies of less than \$10.00

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, hereby authorize the Tax Collector to cancel said property tax and excess sewer amounts as deemed necessary.

BE IT FURTHER RESOLVED, that a certified copy of the resolution be forwarded to the Tax Collector and Chief Finance Officer.

222-2019 A Resolution Awarding a Contract to Dakota Excavating Contractor Inc. for the La Trenta Field Improvements Project Base Bid plus Alternates A and B

WHEREAS, the Borough has the need to procure goods and services to install certain synthetic turf and make other improvements at La Trenta Field; and

WHEREAS, the Borough did publicly solicit bids for this project pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, in response to said solicitation, four (4) bids were received; and

WHEREAS, the Borough Attorney has reviewed the two lowest bids for compliance with the bid specifications; and

WHEREAS, after review of these bids, it was determined that the lowest responsive and responsible bidder appears to be Dakota Excavating Contractor Inc.; and

WHEREAS, Dakota’s bid is within the Engineer’s estimate for this work; and

WHEREAS, 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 the above-referenced project shall be awarded as follows:

Bidder	In the amount of:
Dakota Excavating Contractor Inc.	Base Bid: \$282,410.00
481 Hackensack Avenue	Alternate A: \$ 50,349.00
Hackensack, New Jersey 07601	Alternate B: \$ 18,530.00
	TOTAL: \$351,289.00

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute a contract to effectuate the provisions and purposes of this Resolution, subject to approval by the Borough Engineer and Attorney.

225-2019 A Resolution Amending Reso #148-2015 Authorizing Execution of An Amendment To The Developers Agreement With Montvale Development Associates/Snow Storage

WHEREAS, On October 13, 2015 the Governing Body approved a Developer’s Agreement which sought various approvals pertaining to Block 1002, Lots 3 & 5 and

WHEREAS, the parties wish to amend and memorialize an Amended Agreement pertaining to snow storage on the property; and

WHEREAS, the Montvale Planning Board Attorney prepared an approving resolution for the Snow Storage Plan to be implemented and be in effect for the 2019-2020 snow season. Conditions during the snow season will be monitored to determine if the Snow Storage Plan is appropriate and functional for the property. Prior to the 2020-2021 snow season, the Borough Engineer will review and determine whether the Snow Storage Plan is functional and may continue for the such season and future seasons.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Montvale, that the Mayor and Municipal Clerk are hereby authorized and empowered to execute is Amendment to the Developer’s Agreement with Montvale Development Associates, LLC c/o The S. Hekemian Group.

Introduced by Councilmember Lane; seconded by Councilmember Russo-Vogelsang - a roll call vote taken - all ayes

BILLS: Municipal Clerk read the Bill Report

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

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

1. Senior Center

The bids received are currently under attorney review

2. LaTrenta Turf

Will be scheduling a pre-construction meeting within the next few weeks

3. Salt Shed

Bid opening is scheduled for Dec 31

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

No Report

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Councilmember Arendacs mentioned about the cracks in the tennis courts at Memorial Field; the engineer stated it can be looked at in the Spring; inquired about the sign for Fox Hill Road, is it possible for getting sponsors to pay for the sign, the engineer stated should have a policy in place first.

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 Koelling – all ayes

Carolee Adams

Asked for clarification of the borough's rental property monthly rent; the attorney stated once the improvements are completed then the rent can be increased; added, that cameras around the municipal complex would be beneficial; wanted to know when the TVAccess budget will be discussed; suggested to extend the resolution just passed to include all places of worship; mentioned that the water tastes terrible and asked the Mayor if there is anything that can be done;

Jarret Schumacher

Asked if 43 W Grand Ave would be considered affordable housing; currently it is not included; could not find the stormwater safety plan on the website;

A motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Russo-Vogelsang – all ayes

ADJOURNMENT:

Motion to adjourn by Councilmember Lane; seconded by Russo-Vogelsang - all ayes

The Re-Organization Meeting of the Mayor & Council will be held on January 1, 2019 at 7:00pm

The next Budget meeting will be held Tuesday, January 14 at 6:00pm

The next Meeting of the Mayor and Council will be held Tuesday, January 14th at 7:30pm

Meeting adjourned at 8:00pm

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk