

**AGENDA**  
**WORK SESSION MEETING**  
**BOROUGH OF MONTVALE**  
**Mayor and Council Meeting**  
**Tuesday, November 24, 2020**  
**Meeting to Commence 7:30 P.M.**  
**Closed Executive Session to Commence 7:00 P.M**

**CLOSED/EXECUTIVE SESSION:**

Motion to move into Executive Session as provided for by Resolution No. 15-2020 adopted on January 1, 2020 and posted on the bulletin board in the Municipal Building:

The Mayor and Council will go into a Closed /Executive Session for the following:  
Attorney/Client Privilege/Acquisition of Property

1. Proposed Acquisition of Property
2. COAH/Fair Share Housing Center

Minutes to be disclosed as per the Open Public Meetings Act and Resolution No. 15-2020 matters discussed will be disclosed to the public when such matters are finally determined and there is no reason to prohibit the public disclosure of information relating to such matters.

**ROLL CALL:**

Councilmember Arendacs	Councilmember Lane
Councilmember Curry	Councilmember Roche
Councilmember Koelling	Councilmember Russo-Vogelsang

**ORDINANCES:**

**PUBLIC HEARING ORDINANCE NO. 2020-1488**

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF MONTVALE BY ADDING A NEW CHAPTER 296 ENTITLED "PEACE AND GOOD ORDER"

**PUBLIC HEARING ORDINANCE NO. 2020-1489**

AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 341, "STORM SEWERS," BY ADDING A NEW ARTICLE III, ENTITLED "IMPROPER DISPOSAL OF WASTE"

**MINUTES:**

October 27, 2020  
November 10, 2020

**CLOSED/EXECUTIVE MINUTES:**

October 27, 2020

**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.

186-2020 Awarding a Contract to Key Tech Laboratories for Core Sampling and Testing  
NJDOT State Aid 2020 Program Road Improvements Program

187-2020 Transfer of Appropriations

188-2020 Resolution Approving the Borough of Montvale Policy Concerning Remote Meetings

189-2020 Refund 4<sup>th</sup> Quarter 2020 Taxes and The Cancellation Of All Future Taxes Due To Granting Of Totally Disabled Veteran Status By Department Of Veterans Affairs

**RESOLUTIONS CONTINUED: (CONSENT AGENDA\*)**

190-2020 Refund Tax Overpayments Various Parcels

191-2020 A Resolution Establishing an Appeals Panel for the Purpose of Adjudicating Appeals by Individuals Whose Background Checks are Potentially Disqualifying and Who Wish to Serve as Coaches or Instructors with the Montvale Athletic League

**BILLS:**

**ENGINEER'S REPORT:**

Andrew Hipolit  
Report/Update

**ATTORNEY REPORT:**

Joe Voytus, Esq.  
Report/Update  
a. Status/Summit Avenue Affordable Project

**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.

**MEETING CLOSED TO THE PUBLIC:**

**ADJOURNMENT:**

The next Regular Meeting of the Mayor and Council will be held December 8, 2020.

ZOOM information is as follows:

Topic: M&C Meeting

<https://us02web.zoom.us/j/88491084325?pwd=L2U5RVpYMGIMeFdaNzdGcFFWUTd3UT09>

Passcode: 222775

By phone

1 929 436 2866

Webinar ID: 884 9108 4325

Passcode: 222775

\*\*\*\*\*Disclaimer\*\*\*\*\*

**Subject to Additions And/Or Deletions**

# BOROUGH OF MONTVALE

## ORDINANCE NO. 2020-1488

**NOTICE IS HEREBY GIVEN** that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on the 10th day of November 2020, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 24<sup>th</sup> day of November 2020 at 7:30 pm or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Maureen Iarossi Alwan, Municipal Clerk  
Borough of Montvale

### **AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF MONTVALE BY ADDING A NEW CHAPTER 296 ENTITLED "PEACE AND GOOD ORDER"**

**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 296 entitled, "Peace and Good Order," as follows:

**§296-1. Purpose; statutory authority, construal of provisions.**

- A. The purpose of this chapter is to act as a supplement to the New Jersey Code of Criminal Justice (N.J.S.A. 2C:1-1 et seq.) and to fill the interstices therein, and all provisions hereof shall be construed accordingly.
- B. The provisions of this Chapter shall be construed so as to protect the peace, order, health, safety, general welfare and good order of the Borough of Montvale and the inhabitants thereof.
- C. The provisions of this Chapter are adopted pursuant to the powers granted to the Borough of Montvale by N.J.S.A. 40:48-1 and 40:48-2 and other statutes granting police power to the Borough of Montvale and shall be construed accordingly.
- D. Except to the extent specifically set forth herein, neither specific intent nor knowledge shall be construed as elements of any offense defined under the provisions of this Chapter.
- E. In the event that any activity or condition proscribed herein shall be the subject of any other regulation elsewhere in the Borough Code of the Borough of Montvale, the two sections shall be construed together, and the provisions of this Chapter shall be deemed to be in addition to the regulations otherwise provided and as providing an additional remedy, unless another construction is clearly indicated.

**§296-2 Definitions.**

For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

**ACT OF GRAFFITI**

The drawing, painting or making of any inscription on a bridge, building, public transportation vehicle, rock, wall, sidewalk, street or other exposed surface on public or private property without the permission of the owner.

**BOROUGH**

The Borough of Montvale.

**PERSON**

Any person, firm, partnership, association, corporation, company or organization of any kind.

**PUBLIC**

Affecting or likely to affect persons in a place to which the public or a substantial group has access; among the places included are highways, transport facilities, schools, apartment houses, places of business or any neighborhood.

**§296-3 Prohibited acts; fighting; endangering the public.**

- A. No person shall, with a purpose to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof:
  - 1) Engage in fighting or threatening, violent or tumultuous behavior; or
  - 2) Create a hazardous or physically dangerous condition by an act which serves no legitimate purpose of the actor.
- B. No person shall commit any act which tends to endanger the public peace.
- C. No person shall, by conduct, either unlawful in itself or unreasonable under all circumstances, knowingly or recklessly creates or maintains a condition which endangers the safety or health of a considerable number of persons.
- D. No person shall knowingly conduct or maintain any premises, place or resort where persons gather for purposes of engaging in unlawful conduct.
- E. No person shall interrupt or disturb any religious services or any meeting, congregation or assembly.
- F. No person shall take part in or aid, abet or assist a riot or disorderly assemblage.

**§296-4 Prohibited acts; offenses against property; trespassing; graffiti.**

- A. No person shall destroy, injure, deface or tarnish any public building, fence, tree, light post or standard, telephone, telegraph or electric power pole, fire hydrant, monument, statue, flagpole or other public work or improvement or affix thereon any signs, bills or advertisements of any kind or nature whatsoever; provided, however, that this section shall not apply to the posting of such notices as may be required by law.
- B. No person shall break or destroy the windows or doors or other parts of any dwelling house or building.
- C. No person shall enter a building or go upon the lands of any school and break, damage or deface such building or any part thereof or the fences or other property belonging to or connected with such building or lands, and no person shall disturb the exercise of any school or molest or give annoyance to the children attending such school or any teacher therein, either while on the school property or while going to or coming from said school.
- D. No person shall enter a store or any other business with the intent to commit an offense therein.
- E. No person shall commit any acts of graffiti upon any public property or private property by any means.
- F. No person shall interfere with, deface or mutilate any fire alarm box or fire alarm system or any part thereof or any apparatus connected therewith.
- G. No person shall knowingly give or send or cause to be given or sent a false fire alarm.
- H. No person other than the person in charge of the operation of an elevator shall handle, operate or manipulate any rope, shifting rod lever or other apparatus or thing attached to or used to start or stop any elevator, unless requested by the person in charge of such elevator so to do.

**§296-5 Prohibited acts; nudity; public urination.**

- A. No person shall appear in any street or public place in a state of nudity or make any indecent exposure of his or her person or commit or cause to be committed or participate in the commission of any lewd or indecent act or behavior.
- B. No person shall urinate or defecate upon any street, highway, road, alley, sidewalk, the neighborhood of any store, restaurant, tavern or other place of business, or in any other public place or in any other place open to and used by the public or outdoors upon any private property except in enclosed facilities or structures intended for the carrying out of such excretory acts.
- C. No person shall expectorate upon any sidewalk or upon the sides, walls, floors or platform of any building, car, cab, bus or other public vehicle.

**§296-6 Prohibited acts; interference with public officers; obstruction.**

- A. No person shall obstruct access to any public building or any part thereof, or obstruct passage through or upon any public street, park or public place.
- B. No person shall interfere with the proceedings of any Municipal Court, or use any offensive or abusive language to any Judge while holding any Municipal Court.
- C. No person shall hinder or obstruct any Borough officer in the performance of his or her duties, nor shall any person willfully refuse or neglect to assist any Borough officer when lawfully called upon by said officer so to do in the execution of any process or in the suppression of any breach of the peace or disorderly conduct or in case of an escape or when such officer is resisted in the discharge of his or her duty, nor shall any person knowingly resist or oppose any officer or person authorized by law in serving or attempting to serve any writ, bill, order or process or when making any arrest, with or without a warrant.
- D. No person shall forcibly interfere with any member of the Police Department or the Fire Department or any officer of the municipality in the performance of his duties, or prevent or attempt to prevent any member of the Police Department or the Fire Department or any officer of the municipality from performing his duty.

**§296-7 Violations and penalties.**

Any person found to have violated any of the terms or provisions of this Chapter shall, upon conviction thereof, be subject to the penalties set forth in Chapter 1, Article I, "General Penalty."

**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 immediately upon adoption and publication as required by law.

**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.

MICHAEL GHASSALI, Mayor

ATTEST:

MAUREEN IAROSSO-ALWAN, CMC  
Borough Clerk

INTRODUCTION: 11-10-2020

Councilmember	Yes	No
Arendacs		
Curry		
Koelling		
Lane		
Roche		
Russo-Vogelsang		

ADOPTED: 11-24-2020

Councilmember	Yes	No
Arendacs		
Curry		
Koelling		
Lane		
Roche		
Russo-Vogelsang		

**BOROUGH OF MONTVALE**

**ORDINANCE NO. 2020-1489**

**NOTICE IS HEREBY GIVEN** that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on the 10th day of November 2020, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 24<sup>th</sup> day of November 2020 at 7:30 pm or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Maureen Iarossi Alwan, Municipal Clerk  
Borough of Montvale

**AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 341, "STORM SEWERS," BY ADDING A NEW ARTICLE III, ENTITLED "IMPROPER DISPOSAL OF WASTE"**

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

**Section 1.** Chapter 341 of the Borough of Montvale Code is hereby amended and supplemented by adding a new Article III, entitled "Improper Disposal of Waste," as follows:

**Article III**

**Improper Disposal of Waste**

**§341-11 Purpose.**

The purpose of this Article is to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Borough of Montvale, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§341-12 Definitions.**

For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Montvale or other public body, and is designed and used for collecting and conveying stormwater.

## PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

## STORMWATER

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

### **§341-13 Prohibited Conduct.**

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Borough of Montvale is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

### **§341-14 Exceptions to Prohibition.**

The following are exceptions to the prohibitions in subsection 13, above:

- A. Water line flushing and discharges from potable water sources
- B. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- C. Air conditioning condensate (excluding contact and non-contact cooling water)
- D. Irrigation water (including landscape and lawn watering runoff)
- E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows
- F. Residential car washing water, and residential swimming pool discharges
- G. Sidewalk, driveway and street wash water
- H. Flows from fire-fighting activities
- I. Flows from rinsing of the following equipment with clean water; provided, however, that such rinsing of equipment is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.
  - 1. Beach maintenance equipment immediately following their use for their intended purposes; and
  - 2. Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water,

all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.

**§341-15 Enforcement.**

This ordinance shall be enforced by the Police Department of the Borough of Montvale.

**§341-16 Penalties.**

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine set forth in Chapter 1, Article 1, General Penalty.

**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 immediately upon adoption and publication as required by law.

**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.

\_\_\_\_\_  
MICHAEL GHASSALI, Mayor

ATTEST:

MAUREEN IAROSSO-ALWAN, CMC  
Borough Clerk

INTRODUCTION: 11-10-2020

Councilmember	Yes	No
Arendacs		
Curry		
Koelling		
Lane		
Roche		
Russo-Vogelsang		

ADOPTED: 11-24-2020

Councilmember	Yes	No
Arendacs		
Curry		
Koelling		
Lane		
Roche		
Russo-Vogelsang		

**MINUTES  
WORK SESSION**

The Work Session 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. 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 Lane – via telephone
Councilmember Curry - absent	Councilmember Roche
Councilmember Koelling	Councilmember Russo-Vogelsang

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

**ORDINANCES:**

**INTRODUCTION ORDINANCE NO. 2020-1487** AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, CREATING A NEW CHAPTER 187 ENTITLED “ENGINE BRAKING”

(Public Hearing 11-10-2020)

A motion to Introduce Ordinance **2020-1487** for first reading was made by Councilmember Russo-Vogelsang; seconded by Councilmember Roche ; 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 Koelling - A roll call was taken – all ayes

**MINUTES:**

October 13, 2020

A motion to accept the minutes by Councilmember Arendacs; seconded by Councilmember Koelling - all ayes with the exception of Councilmember Roche abstaining

**CLOSED/EXECUTIVE MINUTES:**

October 13, 2020

A motion to accept the minutes by Councilmember Lane; seconded by Councilmember Koelling - all ayes with the exception of Councilmember Roche

**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.

**165-2020 Adoption of Security Response Plan for Cybersecurity Incidents**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the attached Security Response Plan for Cybersecurity is hereby adopted effective immediately.

**166-2020 A Resolution Authorizing the Borough of Montvale To Enter Into a Cooperative Pricing Agreement/Hunterdon County Educational Services Commission**

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

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

**WHEREAS**, on (date of action) the governing body of the Borough of Montvale, County of Bergen, State of New Jersey duly considered participation in a Cooperative Pricing System 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 (Chief Executive Officer) 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.

**169-2020 A Resolution Establishing a Temporary Juvenile Curfew for Cabbage Night and Halloween from 8:00 P.M. until 5:00 A.M.**

**WHEREAS**, the Halloween Season can be dangerous to children walking the streets of the Borough of Montvale after daylight hours; and

**WHEREAS**, in the past, the Borough has experienced a higher-than-normal volume of acts of vandalism, trespassing and destruction of personal property on October 30, also known as "Cabbage Night" or "Mischievous Night," as well as on Halloween; and

**WHEREAS**, it is the desire of the Borough Council to set a reasonable period to allow for Halloween activities and also to protect its residents and private property; and

**WHEREAS**, the Police Department of the Borough of Montvale has recommended that a temporary curfew be established on the nights of October 30 and October 31 for persons 17 years of age or under, subject to certain exceptions; and

**WHEREAS**, the Police Department has advised that there will be supplemental police patrols, and the following enforcement priorities will be in effect on October 30 and 31:

The 8:00 p.m. curfew will be strictly enforced. Anyone in violation will be transported to headquarters.

A Zero-Tolerance policy towards acts of Criminal Mischief, Trespassing and aggressive behavior. Anyone found defacing or damaging property will be brought to headquarters and processed accordingly.

The Police Department will be confiscating all potentially destructive items, including toilet paper and shaving cream, from children who are wandering unsupervised on our streets. Names of all unsupervised juveniles will also be recorded.

Any children found with items that we believe pose a significant threat to persons or property will be brought to headquarters and processed accordingly. These items include eggs, spray paint, paint ball guns, etc.

Anyone who operates a motor vehicle in violation of the law will be issued the appropriate motor vehicle summons.

**NOW, THEREFORE, BE IT RESOLVED** that a temporary curfew is hereby established for persons 17 years of age and under to be off the streets and other public places on the following dates and times:

“Cabbage Night: - Friday, October 30th from 8:00 PM until 5:00 AM the following day

“Halloween” – Saturday, October 31st from 8:00 PM until 5:00 AM the following day

**BE IT FURTHER RESOLVED** that said curfew shall not apply if the juvenile is accompanied by a parent or adult guardian (18 years or older) having custody of the juvenile, or if the juvenile is traveling to or from place of employment or a sanctioned school activity.

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be forwarded to the Police Department, and the details concerning the curfew and police enforcement priorities shall be posted on the Borough website.

**170-2020: A Resolution Extending & Authorizing Temporary Outdoor Seating Permits for Licensed Restaurants, Bars and Other Such Establishments in the Borough of Montvale and Setting Forth a Procedure for Obtaining Said Permits**

**WHEREAS**, the Borough of Montvale currently only allows for outdoor dining when specifically approved by the Planning Board as part of Site Plan approval; and

**WHEREAS**, in anticipation of the Governor allowing certain business to open up with either outdoor seating only or a combination of outdoor seating and limited indoor seating on June 15, 2020, the Mayor and Council would like to assist businesses during this difficult time due to the COVID-19 pandemic to allow for additional outdoor seating on a temporary basis.

**NOW, THEREFORE, BE IT RESOLVED** that effective June 15, 2020, or on such date that the State of New

Jersey allows temporary outdoor seating for restaurants, bars and other establishments, the Borough hereby adopts the following procedure for the issuance of Temporary Outdoor Seating Permits in the Borough of Montvale:

1. Temporary Outdoor Seating Permits (hereinafter “Permits”) shall be issued by the Zoning Officer.
2. Permit Applications shall be submitted to the Land Use Administrator on a form approved by the Borough.
3. The Application Form shall require, at a minimum, the following information:
  - a. Name, address, email, cell phone and owner(s) of the Applicant
  - b. Name, address and owner(s) of the property (if different than the Applicant) and consent of the property owner to the Application
  - c. Copy of most recent approved Site Plan for the property
  - d. A drawing, survey or sketch showing the proposed Outdoor Seating Area, including proposed table set-up, seating capacity and the location and size of any tents, fencing, barriers, etc.
  - e. A narrative summary describing in detail the problems that may be generated by the proposed Outdoor Seating Area (e.g., diminished parking, encroachment on set-backs, increased outdoor lighting, increased noise, traffic flow, patron safety) and the manner in which the Applicant intends to address these problems
  - f. Proof of compliance with all requirements established by the Governor and/or the State of New Jersey pertaining to such Outdoor Seating Area, including but not limited to Executive Order No. 150, Executive Directive No. 20-014 issued by the

Department of Health, and SR-2020-10 issued by the Department of Law and Public Safety, Division of Alcoholic Beverage Control

- g. Proof of insurance covering the proposed Outdoor Seating Area and the use of the property for outdoor dining
  - h. A statement acknowledging that nothing in this Resolution or in the issuance of any Permit pursuant to this Resolution shall be considered a land use approval pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., nor shall any Permit be deemed to authorize the use of any Outdoor Seating Area past March 31, 2021.
  - i. A statement acknowledging the following: Tents may not exceed 40'x40' in size. Tents may not have sides and must be open-air. Open flames are not permitted underneath tent structures. Outdoor Seating Areas may not have electrical service or "wired" lighting.
  - j. A statement acknowledging that failure to comply with the terms and conditions of any Permit, or with any of the requirements established by the Governor and/or the State of New Jersey, may result in the Borough revoking the Permit and closing the Outdoor Seating Area
4. Upon receipt of a completed Application, the Land Use Administrator shall refer the Application to the following officials and/or departments or their designees (the "Reviewing Entities") for a review and recommendation:
- a. Planning Board Site Plan Review Committee
  - b. Police Department
  - c. Fire Department
  - d. Board of Health
  - e. Borough Engineer
  - f. Any other official that the Land Use Administrator deems necessary to assist the Site Plan Review Committee.
5. The Reviewing Entities shall review the Application in order to determine that the business has demonstrated that allowing the Outdoor Seating Area is safe for both the customers and the public. The Reviewing Entities shall work with Applicants to reach reasonable accommodations to assist such businesses to obtain a Permit from the Borough, and they shall make any recommendations deemed necessary to protect the health, safety and welfare of the public.
6. The Reviewing Entities shall review the Application and the proposed Outdoor Seating Area and either recommend to the Zoning Officer the approval, denial or revision of the Application. The approval of an Application shall set forth all terms and conditions of approval.
7. Upon receipt of the recommendation of approval by all Reviewing Entities, the Zoning Officer shall issue a Permit to the Applicant. All terms and conditions set forth by any

Reviewing Entities with a recommendation of approval shall become conditions on the issuance of a Permit by the Zoning Officer.

8. There shall be no fee for a Permit Application.
9. The hours of operation of any Temporary Outdoor Seating Area shall be limited to 7:00 a.m. to 10:00 p.m.
10. All Permits issued pursuant to this Resolution and procedure shall terminate on March 31, 2021.
11. Nothing in this Resolution or in the issuance of any Permit pursuant to this Resolution shall be considered a land use approval pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., nor shall any Permit be deemed to authorize the use of any Outdoor Seating Area past March 31, 2021.
12. All applicants seeking approval of permanent outdoor seating areas shall apply to the Planning Board in accordance with existing procedures.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be forwarded to the Chamber of Commerce to alert them of the Temporary Outdoor Seating Permit option when it becomes available.

**171-2020 A Resolution Authorizing Temporary Outdoor Operating Permits for Gyms, Fitness Centers, Yoga Studios and Other Similar Exercise Facilities in the Borough of Montvale and Setting Forth a Procedure for Obtaining Said Permits**

**WHEREAS**, gyms, fitness centers, yoga studios and other similar exercise facilities are not currently permitted to operate indoors as a result of the current COVID-19 pandemic and certain Executive Orders pertaining to same; and

**WHEREAS**, the Borough of Montvale recognizes the hardship placed upon these business and would like to establish a temporary procedure to allow such businesses to operate in certain parking areas as approved by the Site Plan Review Committee, similar to the procedure established for temporary outdoor restaurant seating.

**NOW, THEREFORE, BE IT RESOLVED** that effective immediately, the Borough hereby adopts the following procedure for the issuance of Temporary Outdoor Operating Permits for gyms, fitness centers, yoga studios and other similar exercise facilities in the Borough of Montvale:

1. Temporary Outdoor Operating Permits (hereinafter "Permits") shall be issued by the Zoning Officer.
2. Permit Applications shall be submitted to the Land Use Administrator on a form approved by the Borough.
3. The Application Form shall require, at a minimum, the following information:
  - a. Name, address, email, cell phone and owner(s) of the Applicant
  - b. Name, address and owner(s) of the property (if different than the Applicant) and consent of the property owner to the Application
  - c. Copy of most recent approved Site Plan for the property
  - d. A drawing, survey or sketch showing the proposed Outdoor Operating Area, which shall only be permitted in a portion of a parking lot or parking garage, including

proposed set-up of equipment, and the location and size of any tents, fencing, barriers, etc. **Please note that all equipment must be stored inside overnight and may not be kept outside, unless authorized by the Property Owner and approved by the Reviewing Entities.**

- e. A narrative summary describing in detail the problems that may be generated by the proposed Outdoor Operating Area (e.g., diminished parking, encroachment on set-backs, increased outdoor lighting, increased noise, traffic flow, patron safety) and the manner in which the Applicant intends to address these problems
  - f. Proof of compliance with all requirements established by the CDC, the Governor and/or the State of New Jersey pertaining to such facilities or the Outdoor Operating Area, including but not limited to social distancing requirements, masks and/or face coverings, and the sanitizing of equipment.
  - g. Proof of insurance covering the proposed Outdoor Operating Area and the intended use of the property.
  - h. A statement acknowledging that nothing in this Resolution or in the issuance of any Permit pursuant to this Resolution shall be considered a land use approval pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., nor shall any Permit be deemed to authorize the use of any Outdoor Operating Area past March 31, 2021.
  - i. A statement acknowledging the following: Tents may not exceed 40'x40' in size. Tents may not have sides and must be open-air. Open flames are not permitted underneath tent structures. Outdoor Operating Areas may not have electrical service, extension cords or "wired" lighting without separate approval from the Building Department and compliance with all applicable requirements.
  - j. A statement acknowledging that failure to comply with the terms and conditions of any Permit, or with any of the requirements established by the CDC, the Governor and/or the State of New Jersey, may result in the Borough revoking the Permit and closing the Outdoor Operating Area
4. Upon receipt of a completed Application, the Land Use Administrator shall refer the Application to the following officials and/or departments or their designees (the "Reviewing
5. Entities") for a review and recommendation:
- a. Planning Board Site Plan Review Committee
  - b. Police Department
  - c. Fire Department
  - d. Board of Health
  - e. Borough Engineer
  - f. Any other official that the Land Use Administrator deems necessary to assist the Site Plan Review Committee.

- 6. The Reviewing Entities shall review the Application in order to determine that the business has demonstrated that allowing the Outdoor Operating Area is safe for both the customers and the public. The Reviewing Entities shall work with Applicants to reach reasonable accommodations to assist such businesses to obtain a Permit from the Borough, and they shall make any recommendations deemed necessary to protect the health, safety and welfare of the public.
- 7. The Reviewing Entities shall review the Application and the proposed Outdoor Operating Area and either recommend to the Zoning Officer the approval, denial or revision of the Application. The approval of an Application shall set forth all terms and conditions of approval.
- 8. Upon receipt of the recommendation of approval by all Reviewing Entities, the Zoning Officer shall issue a Permit to the Applicant. All terms and conditions set forth by any Reviewing Entities with a recommendation of approval shall become conditions on the issuance of a Permit by the Zoning Officer.
- 9. There shall be no fee for a Permit Application.
- 10. The hours of operation of any Temporary Outdoor Operating Area shall be limited to 7:00 a.m. to 10:00 p.m.
- 11. All Permits issued pursuant to this Resolution and procedure shall terminate on March 31, 2021.
- 12. Nothing in this Resolution or in the issuance of any Permit pursuant to this Resolution shall be considered a land use approval pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., nor shall any Permit be deemed to authorize the use of any Outdoor Operating Area past March 31, 2021.
- 13. All applicants seeking approval of permanent outdoor operating areas shall apply to the Planning Board in accordance with existing procedures.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be forwarded to the Chamber of Commerce to alert them of the Temporary Outdoor Operating Permit option for gyms, fitness centers, yoga studios and other similar exercise facilities.

**172-2020 Resolution Awarding Purchase Under New Jersey State Contract/Montvale Fire Department Radio's/Motorola**

**WHEREAS**, The State of New Jersey adopted legislation which requires all municipalities who purchase under New Jersey State Contract to award said purchases by resolution; and

**NOW THEREFORE, BE IT RESOLVED** by the Borough of Montvale that the following purchases under New Jersey State Contract are hereby authorized:

PURCHASE OF Radio's	STATE CONTRACT #83909
Motorola Solutions, Inc.	\$5,740.25
c/o Regional Communications	\$8,871.15
64 East Midland Avenue	Total \$14,611.40
Paramus, NJ 07653	

2 Radio's (1) Portable \$8,871.15 and (1) Non-Portable \$5,740.25 see attached quotation dated September 28, 2020 which is attached to the original of this resolution.

**173-2020 Resolution Awarding Purchase Under New Jersey State Contract/Montvale Fire Department/Turn Out Gear/Protective Clothing/Witmer Public Safety Group, Inc.**

**WHEREAS**, The State of New Jersey adopted legislation which requires all municipalities who purchase under New Jersey State Contract to award said purchases by resolution; and **NOW THEREFORE, BE IT RESOLVED** by the Borough of Montvale that the following purchases under New Jersey State Contract are hereby authorized:

PURCHASE OF Turn-Out Gear/Protective Clothing  
Pants & Jackets  
Witmer Public Safety Group, Inc.  
104 Independence Way  
Coateville, PA 19320

STATE CONTRACT #17-FLEET-00805  
Total \$30,000.00

10 Jackets & 10 Pant see attached quotation dated August 4, 2020 which is attached to the original of this resolution.

**174-2020 A Resolution Authorizing Appointment Of Municipal Representatives To The Bergen County Community Development Regional Committee**

**WHEREAS**, the Municipality of Borough of Montvale has entered into a three-year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:65-1 et seq. and Title 1 of the Housing and Community Development Act of 1974; and **WHEREAS**, said Agreement requires that the Municipal Council to appoint a representative and alternate and that the Mayor appoint a representative and alternate for the FY 2020-2021 term starting July 1, 2020 and ending on June 30, 2021.

**NOW THEREFORE, BE IT RESOLVED** that the Municipal Council hereby appoints Maureen Iarossi-Alwan as its representative and Councilmember Dieter Koelling as its alternate and that the Mayor hereby appoints Councilmember Timothy Lane as his/her representative and Councilmember Douglas Arendacs as his/her alternate to serve on the Community Development Regional Committee for FY 2020-2021; and

**BE IT FURTHER RESOLVED** that an original, certified copy of this resolution be immediately emailed and sent via postage to Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, Fourth Floor; Hackensack, New Jersey 07601.

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

**RESOLUTIONS 167-2020 and 168-2020 WERE WITHDRAWN**

**167-2020 A Resolution Declaring an Emergency Affecting Public Health, Safety and Welfare and Ratifying the Emergency Contract Awarded Pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 to Air Systems Maintenance, Inc. Related to the Provisions and Installation of a New Roof Top Unit for the Montvale Police Department**

**WHEREAS**, on October 15, 2020, the Borough of Montvale Engineer issued a Memorandum to the Borough Administrator, Qualified Purchasing Agent, Borough Attorney and Mayor and Council concerning an emergency situation that arose with respect to the roof top unit for the Montvale Police Department; and

**WHEREAS**, said Memorandum advised that the roof top unit servicing the Police Department had failed and was no longer producing heat for that section of the building; and

**WHEREAS**, the Borough Engineer advised that the Police Department provides essential services to the Borough and its residents, and a normal bid process would have resulted in the delay of installation of a new unit until well into the winter; and

**WHEREAS**, said situation represented a threat to the health, safety and welfare of the public; and

**WHEREAS**, this emergency situation could not have been reasonably foreseen by the Borough;  
and

**WHEREAS**, the Borough Council is satisfied based upon October 15, 2020 Memorandum from the Borough Engineer, that the conditions at the Montvale Police Department represented a danger to the health, safety and welfare of the general public and thus constituted an "emergency" for purposes of N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1; and

**WHEREAS**, the Borough did therefore engage Air Systems Maintenance, Inc., who was already performing routine maintenance and emergency HVAC services for the Borough, to provide and install a new roof top unit, including expedited shipping, to protect the health, safety and welfare of the public; and

**WHEREAS**, the cost of the delivery and installation of the roof top unit, including expedited shipping, was \$81,910.00 pursuant to a proposal dated October 14, 2020, submitted to the Borough of Montvale; and

**WHEREAS**, the scope of work was limited to the goods and services required to address the emergency situation; and

**WHEREAS**, the Borough Qualified Purchasing Agent executed a purchase order for this work pursuant to said proposal, under the authority granted by N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1.

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

1. The recitals set forth above are incorporated herein as if set forth at length.
2. The Borough Council hereby declares that the situation at the Montvale Police Department constituted an "emergency" justifying the use of emergency procurement procedures by the Borough Qualified Purchasing Agent pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1.
3. The Purchase Order entered into with Air Systems Maintenance, Inc. in the amount of \$81,910.00 is hereby ratified and reaffirmed.
4. A copy of the October 15, 2020 Memorandum from the Borough Engineer shall be filed in the minutes along with this Resolution.

**168-2020 A Resolution Declaring an Emergency Affecting Public Health, Safety and Welfare and Ratifying the Emergency Contract Awarded Pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 to Air Systems Maintenance, Inc. Related to the Provision and Installation of a New Boiler for the Montvale Senior and Community Center**

**WHEREAS**, on October 15, 2020, the Borough of Montvale Engineer issued a Memorandum to the Borough Administrator, Qualified Purchasing Agent, Borough Attorney and Mayor and Council concerning an emergency situation that arose with respect to the boiler for the Montvale Senior and Community Center; and

**WHEREAS**, said Memorandum advised that the boiler servicing the Police Department was badly leaking and required immediate replacement; and

**WHEREAS**, the Borough Engineer advised that the Senior and Community Center serves as the Borough's only polling location for the upcoming General Election, and a normal bid process would have resulted in the delay of installation of a new unit until well into the winter; and

**WHEREAS**, said condition represented a threat to the health, safety and welfare of the public;  
and

**WHEREAS**, this emergency situation could not have been reasonably foreseen by the Borough;  
and

**WHEREAS**, the Borough Council is satisfied based upon October 15, 2020 Memorandum from the Borough Engineer, that the conditions at the Montvale Senior and Community Center represented a danger to the health, safety and welfare of the general public and thus constituted an "emergency" for purposes of N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1; and

**WHEREAS**, the Borough did therefore engage Air Systems Maintenance, Inc., who was already performing routine maintenance and emergency HVAC services for the Borough, to provide and install a boiler to protect the health, safety and welfare of the public; and

**WHEREAS**, the cost of the delivery and installation of the boiler was \$24,558.00 pursuant to a proposal dated October 14, 2020, submitted to the Borough of Montvale; and

**WHEREAS**, the scope of work was limited to the goods and services required to address the emergency situation; and

**WHEREAS**, the Borough Qualified Purchasing Agent executed a purchase order for this work pursuant to said proposal, under the authority granted by N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1.

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

1. The recitals set forth above are incorporated herein as if set forth at length.
2. The Borough Council hereby declares that the situation at the Montvale Senior and Community Center constituted an “emergency” justifying the use of emergency procurement procedures by the Borough Qualified Purchasing Agent pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1.
3. The Purchase Order entered into with Air Systems Maintenance, Inc. in the amount of \$24,558.00 is hereby ratified and reaffirmed.
4. A copy of the October 15, 2020 Memorandum from the Borough Engineer shall be filed in the minutes along with this Resolution.

**163-2020 Corrective Action Plan**

**WHEREAS**, the audit report for the year ended December 31, 2019 was received by the Borough of Montvale on September 17, 2020; and

**WHEREAS**, the Division of Local Government Services requires a corrective action plan to be prepared and submitted within 60 days from the date the audit is received by the Governing Body; and

**WHEREAS**, the corrective action plan covers all findings and recommendations in the audit report, including state, federal and general findings, as well as, the status of prior year findings and recommendations; and

**WHEREAS**, the corrective action plan should be prepared by the Chief Financial Officer, with the assistance from other municipal officials affected by the audit recommendations, and approved by the Governing Body.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Montvale hereby approves the corrective action plan prepared and submitted by the Chief Financial Officer in response to the findings and recommendations included as part of the audit report for the year ended December 31, 2019.

**164-2020 Group Affidavit Audit Report**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of the N.J.S.A.40A:5-6, and a copy has been received by each member of the Governing Body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S.52:27BB-34; and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall be resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS

RECOMMENDATIONS  
and

**WHEREAS**, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, specifically the sections of the Annual Audit entitled: General Comments - Recommendations;

as evidenced by the group affidavit form of the Governing Body; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the Annual Audit, as per the regulations of the Local Finance Board; and

**WHEREAS**, all members of the Governing Body have received and have familiarized themselves with, at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the Affidavit as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the Governing Body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52 - "A local officer or member of a local Governing Body who, after a dated fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the Provisions of this Article, shall be guilty of a misdemeanor and upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Montvale, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 10, 1968 and does here submit a certified copy of this resolution and the required Affidavit to said Board to show evidence of said compliance.

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

Jeff Bliss, Borough Auditor, gave a brief explanation stating that overall the audit was excellent; the recommendation to management is to review and cancel open purchase orders at year end; the monies would then go into surplus; Trust and Escrows accounts have numerous old accounts, they should be cancelled and lastly, a resolution is needed to moralize the employee contribution towards their medical benefits.

All councilmembers thanked the staff for an excellent job with the finances and thanked Jeff Bliss for all his work.

**175-2020 A Resolution Approving a Proposal by Maser Consulting, Inc. to Perform Certain Engineering Work in Connection with the Reconstruction and Relocation of a Drainage Swale at 37 Eagle Ridge Road**

**WHEREAS**, the Borough of Montvale previously entered into a settlement agreement in the matter captioned *Libock v. Bear Ban Builders, et al.*, which calls for the reconstruction and relocation of a drainage swale at the property located at 37 Eagle Ridge Road in the Borough of Montvale; and

**WHEREAS**, in connection with this settlement, it is necessary for Maser Consulting, PA to perform certain engineering work related to same; and

**WHEREAS**, Maser has submitted a proposal dated October 27, 2020, to perform a scope of work that includes preparing plans, shop drawing review, coordinating and attending a pre-construction meeting, progress meetings as needed, site inspections and project closeout; and

**WHEREAS**, Maser proposes to perform these services for a fee not to exceed \$15,000.00; and

**WHEREAS**, it is necessary to authorize Maser to perform these services in order to fulfill the Borough's obligations under the settlement agreement in the above-captioned litigation; 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** that the foregoing recitals are incorporated herein as if set forth at length; and

**BE IT FURTHER RESOLVED** that the Borough does hereby approve Maser’s Proposal dated October 27, 2020; and

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

Introduced by: Councilmember Lane; seconded by Councilmember Roche - all ayes  
Mr. Voytus, Borough Attorney stated this resolution reflects part of the settlement agreement for Maser to perform the work needed.

**176-2020 Resolution Awarding Purchase Under New Jersey State Contract/Montvale Police Department Radio’s/Motorola Solutions**

**WHEREAS**, The State of New Jersey adopted legislation which requires all municipalities who purchase under New Jersey State Contract to award said purchases by resolution; and

**NOW THEREFORE, BE IT RESOLVED** by the Borough of Montvale that the following purchases under New Jersey State Contract are hereby authorized:

**PURCHASE OF Police Radio’s      STATE CONTRACT #83909**

Goosetown Communications      Total \$30,878.21

58 North Harrison Avenue

Congers, NY 10920

Attn: Jerry Ables

**WHEREAS**, attached is a detailed description of the purchase of 11 Radio’s quotation #QU0000514849 dated October 13, 2020 which is attached to the original of this resolution.

Introduced by: Councilmember Koelling; seconded by Councilmember Arendacs - all ayes  
Councilmember Koelling explained this purchase would give each officer their own radio, currently they share radios.

**BILLS: Municipal Clerk read the Bill Report**

Motion to pass bills by Councilmember Roche; seconded by Councilmember Arendacs - all ayes

**ENGINEER’S REPORT:**

Andrew Hipolit

Report/Update

Paragon and Philips NJDOT project, milling is complete and paving will be done shortly;  
Councilmember Roche asked about the corner of Grand Ave, if there is a plan to develop that side;  
Mr. Hipolit stated not at this time.

**ATTORNEY REPORT:**

Joe Voytus, Esq.

Report/Update

No Report

**UNFINISHED BUSINESS**

None

**NEW BUSINESS:**

Mayor Ghassali stated that COVID numbers are increasing and encouraged everyone to continue to wear a mask

**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 Koelling; seconded by Councilmember Arendacs – all ayes

Carolee Adams

Encourage all residents to avoid feeding the deer; a follow up question to Mayor Ghassali regarding speaking with the other surrounding Mayors in regards to a paid ambulance department, Mayor Ghassali stated he did not speak to all the Mayors but he will. Mrs. Adams, stated that the MVC had a mobile unit in Trenton today, to issue ID cards to recently released prisoners, why can't they do it for the rest of the population; noticed the Police interviewing new officers, it is good to see the young people applying given the current unrest towards the police; mentioned that October is German heritage month "Octoberfest"

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

**MEETING CLOSED TO THE PUBLIC:**

A motion to go into closed by Councilmember Roche; seconded by Councilmember Koelling – all ayes

A motion to go back into open by Councilmember Lane; seconded by Councilmember Koelling – all ayes

All councilmembers agreed upon the PBA contract regarding their contribution towards health benefits.

A motion to close meeting to the public by Councilmember Koelling; seconded by Councilmember Arendacs

**ADJOURNMENT:**

Motion to adjourn by Councilmember Koelling; seconded by Councilmember Roche – all ayes

Meeting adjourned at 8:15pm

The next Regular Meeting of the Mayor and Council will be held November 10, 2020.

**Respectfully submitted, Fran Scordo, Deputy Municipal Clerk**

**PUBLIC MEETING  
MINUTES**

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:33PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Master Sergeant Dieter Koelling led the Pledge of Allegiance.

**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; Administrator/Municipal Clerk, Maureen Iarossi-Alwan; and Deputy Municipal Clerk, Fran Scordo

**ROLL CALL:**

Councilmember Arendacs  
Councilmember Curry  
Councilmember Koelling

Councilmember Lane  
Councilmember Roche  
Councilmember Russo-Vogelsang

**ORDINANCES:**

**PUBLIC HEARING ORDINANCE NO. 2020-1487** AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, CREATING A NEW CHAPTER 187 ENTITLED "ENGINE BRAKING"

**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 creating a new Chapter 187, entitled "Engine Braking, as follows

**CHAPTER 187 – ENGINE BRAKING**

**Article I**

**Engine Braking**

- § 187-1. Definitions.**
- § 187-2. Prohibition.**
- § 187-3. Exemptions.**
- § 187-4. Posting of signs.**
- § 187-5. Violations and penalties.**

**§ 187-1. Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated:

**ENGINE BRAKING**

The use or operation of any mechanical exhaust device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in excessive, loud, unusual or explosive noise from such vehicle.

**§ 187-2. Prohibition.**

It shall be unlawful for the driver of any motor vehicle to use or operate or cause to be used or operated at any time and on any street within the Borough of Montvale any mechanical exhaust or decompression device which results in the practice known as "engine braking."

**§ 187-3. Exemptions.**

The following are exempt from the provision of this Chapter:

- A. Noise caused by the application of engine braking which is effectively muffled

- B. Engine braking where the application is necessary for the health, safety and welfare of the public
- C. Noise created by emergency equipment or vehicles for emergency purposes

**§ 187-4. Posting of signs.**

The Borough is hereby authorized to post signs at reasonable locations within the Borough indicating the prohibition of engine braking.

**§ 187-5. Violations and penalties.**

Violation of any of the provisions of this Article shall be punishable as provided in Chapter 1, "General Provisions," Article 1, "General Penalty."

**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.

A motion Introduced for second reading **Ordinance No. 2020-1487** 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

Jarret Schumacher

Asked for clarification regarding the term "direct muzzle" Mr. Hipolit, Borough Engineer, stated that the engine is either muzzled or not.

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

Motion to adopt on Second and Final Reading in The Bergen Record by Councilmember Lane; seconded by Councilmember Curry; Clerk read by title only. - All ayes on a roll call vote

**INTRODUCTION ORDINANCE NO. 2020-1488** AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF MONTVALE BY ADDING A NEW CHAPTER 296 ENTITLED "PEACE AND GOOD ORDER"

(Public Hearing 11-24-2020)

A motion to Introduce Ordinance **2020-1488** for first reading was made by Councilmember Russo-Vogelsang; seconded by Councilmember Koelling; 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 Koelling - A roll call was taken - all ayes

Joe Voytus, Borough Attorney, gave a brief explanation stating that as a result of the re-codification the old chapter of "Peace and Good Order" was removed due to outdated language; the current ordinance was put into place by the Chief of Police in conjunction with the criminal code. Councilmember Arendacs asked if our ordinance mimics the criminal code, Mr. Voytus stated essentially and some of it supplements the code, it would be at the officer's discretion.

**INTRODUCTION ORDINANCE NO. 2020-1489** AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 341, "STORM SEWERS," BY ADDING A NEW ARTICLE III, ENTITLED "IMPROPER DISPOSAL OF WASTE"  
(Public Hearing 11-24-2020)

A motion to Introduce Ordinance **2020-1489** 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 Koelling - A roll call was taken – all ayes

Councilmember Curry asked for clarification regarding section 341-14B "uncontaminated ground water" people cannot take their sump water and throw it into our sewer system, it has to go into the ground, the answer is yes; what about pool water? Mr. Hipolit stated it cannot go into the sewer system.

**MEETING OPEN TO PUBLIC:**

Agenda Items Only

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

Carolee Adams

Wanted to know about the ordinance "Peace and Good Order", is this being done in other towns; Mr. Voytus responded by saying that due to the re-codification, this section was removed due to outdated language, the ordinance introduced tonight is replacing the old one; Mrs. Adams added that certain language in the ordinance is vague; Mr. Voytus stated the language used is general and cannot be specific, it would be at the discretion of the officer; Mrs. Adams asked for clarification regarding the discharge of sump pump water, Mr. Hipolit answered by saying you cannot use the sanitary sewer. What about pool water, Mr. Hipolit stated it can be discharged into the ground or the sewer, not the sanitary sewer. Mrs. Adams asked what about leaves going into the storm sewers, Mr. Hipolit said some will go into the storm sewers but most of the leaves will be picked up.

Jarret Schumacher

Regarding Peace and Good Order, currently, for the next 14 days, public nudity, public urination are legal in town; Councilmember Lane stated that if you did one of those you would be subject to the prosecution on the State and Federal level.

Kari Solomon

Regarding the Good Order ordinance, what were the items removed, Mr. Voytus stated sections 3B, C, 1 and 3 and 3D

Mayor Ghassali added that these changes to the ordinance are a result of the public getting involved and making good suggestions. Please continue to be involved.

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

**MEETING CLOSED TO PUBLIC:**

Agenda Items Only

**MINUTES:**

None

**CLOSED/EXECUTIVE SESSION 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.

**177-2020 A Resolution Declaring an Emergency Affecting Public Health, Safety and Welfare and Ratifying the Emergency Contract Awarded Pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 to Air Systems Maintenance, Inc. Related to the Provisions and Installation of a New Roof Top Unit for the Montvale Police Department**

**WHEREAS**, on October 15, 2020, the Borough of Montvale Engineer issued a Memorandum to the Borough Administrator, Qualified Purchasing Agent, Borough Attorney and Mayor and Council concerning an emergency situation that arose with respect to the roof top unit for the Montvale Police Department; and

**WHEREAS**, said Memorandum advised that the roof top unit servicing the Police Department had failed and was no longer producing heat for that section of the building; and

**WHEREAS**, the Borough Engineer advised that the Police Department provides essential services to the Borough and its residents, and a normal bid process would have resulted in the delay of installation of a new unit until well into the winter; and

**WHEREAS**, said situation represented a threat to the health, safety and welfare of the public; and

**WHEREAS**, this emergency situation could not have been reasonably foreseen by the Borough; and

**WHEREAS**, the Borough Council is satisfied based upon October 15, 2020 Memorandum from the Borough Engineer, that the conditions at the Montvale Police Department represented a danger to the health, safety and welfare of the general public and thus constituted an “emergency” for purposes of N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1; and

**WHEREAS**, the Borough did therefore engage Air Systems Maintenance, Inc., who was already performing routine maintenance and emergency HVAC services for the Borough, to provide and install a new roof top unit, including expedited shipping, to protect the health, safety and welfare of the public; and

**WHEREAS**, the cost of the delivery and installation of the roof top unit, including expedited shipping, was \$81,910.00 pursuant to a proposal dated October 14, 2020, submitted to the Borough of Montvale; and

**WHEREAS**, the scope of work was limited to the goods and services required to address the emergency situation; and

**WHEREAS**, the Borough Qualified Purchasing Agent executed a purchase order for this work pursuant to said proposal, under the authority granted by N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1.

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

1. The recitals set forth above are incorporated herein as if set forth at length.

2. The Borough Council hereby declares that the situation at the Montvale Police Department constituted an "emergency" justifying the use of emergency procurement procedures by the Borough Qualified Purchasing Agent pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1.
3. The Purchase Order entered into with Air Systems Maintenance, Inc. in the amount of \$81,910.00 is hereby ratified and reaffirmed.
4. A copy of the October 15, 2020 Memorandum from the Borough Engineer shall be filed in the minutes along with this Resolution.

**178-2020 A Resolution Declaring an Emergency Affecting Public Health, Safety and Welfare and Ratifying the Emergency Contract Awarded Pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 to Air Systems Maintenance, Inc. Related to the Provision and Installation of a New Boiler for the Montvale Senior and Community Center**

**WHEREAS**, on October 15, 2020, the Borough of Montvale Engineer issued a Memorandum to the Borough Administrator, Qualified Purchasing Agent, Borough Attorney and Mayor and Council concerning an emergency situation that arose with respect to the boiler for the Montvale Senior and Community Center; and

**WHEREAS**, said Memorandum advised that the boiler servicing the Police Department was badly leaking and required immediate replacement; and

**WHEREAS**, the Borough Engineer advised that the Senior and Community Center serves as the Borough's only polling location for the upcoming General Election, and a normal bid process would have resulted in the delay of installation of a new unit until well into the winter; and

**WHEREAS**, said condition represented a threat to the health, safety and welfare of the public; and

**WHEREAS**, this emergency situation could not have been reasonably foreseen by the Borough; and

**WHEREAS**, the Borough Council is satisfied based upon October 15, 2020 Memorandum from the Borough Engineer, that the conditions at the Montvale Senior and Community Center represented a danger to the health, safety and welfare of the general public and thus constituted an "emergency" for purposes of N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1; and

**WHEREAS**, the Borough did therefore engage Air Systems Maintenance, Inc., who was already performing routine maintenance and emergency HVAC services for the Borough, to provide and install a boiler to protect the health, safety and welfare of the public; and

**WHEREAS**, the cost of the delivery and installation of the boiler was \$24,558.00 pursuant to a proposal dated October 14, 2020, submitted to the Borough of Montvale; and

**WHEREAS**, the scope of work was limited to the goods and services required to address the emergency situation; and

**WHEREAS**, the Borough Qualified Purchasing Agent executed a purchase order for this work pursuant to said proposal, under the authority granted by N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1.

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

1. The recitals set forth above are incorporated herein as if set forth at length.
2. The Borough Council hereby declares that the situation at the Montvale Senior and Community Center constituted an "emergency" justifying the use of emergency procurement procedures by the Borough Qualified Purchasing Agent pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1.
3. The Purchase Order entered into with Air Systems Maintenance, Inc. in the amount of \$24,558.00 is hereby ratified and reaffirmed.
4. A copy of the October 15, 2020 Memorandum from the Borough Engineer shall be filed in the minutes along with this Resolution.

**179-2020 Authorize Refund of Registration Fees Senior Community Center Exercise Room / Participants Non-Use**

**BE IT RESOLVED**, the attached listing of individual is hereby granted a refund for non-use of the senior community center exercise room due to COVID-19 Golf restrictions on sanitation and occupancy.

**180-2020 Authorizing Appointment /Full Time Construction Code Official/ Building Sub-Code Official/C. Gruber**

**WHEREAS**, Christopher Gruber was hired as a Full Time Deputy Construction Code Official effective January 1, 2019 upon certification; and

**WHEREAS**, The Borough of Montvale is in need of appointing a Full Time Construction Code Official due to the retirement of the current Construction Code; and

**WHEREAS**, Christopher Gruber meets the qualifications of the following positions and will be taking on the following various roles within the Borough of Montvale as follows: Construction Code Official, Building Code Official, Zoning Official, Property Maintenance, Facilities Municipal Buildings/Property Inspector, Safety Co-Coordinator; and

**WHEREAS**, Mr. Gruber agreed to the terms and conditions of employment, and has previously completed a satisfactory background investigation; and

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey the above-named individual is hereby appointed to these positions effective November 13, 2020.

**BE IT FURTHER RESOVLED**, The Department of Community Affairs received a copy of this resolution for their records.

**181-2020 Authorize Hiring FT/Technical Assistant/Building Dept./S. Lutz-Geisler**

**WHEREAS**, the Borough of Montvale advertised and interviewed for the position of Technical Assistant in the Montvale Building Department; and

**WHEREAS**, Stephanie Lutz-Geisler meets the qualifications for this position and agrees to the terms and conditions of employment, and has previously completed a satisfactory background investigation; and

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that the above-named individual is hereby appointed to this full-time position which duties and responsibilities include a certified Technical Assistant

**182-2020 Refund Tax Overpayment / Block 2601, Lot 11 / 2 Timberland Trail**

**WHEREAS**, a resolution authorizing the Borough of Montvale to refund an overpayment of taxes for the property located at 2 Timberland Trail, also known as Block 2601, Lot 11;

**WHEREAS**, a duplicate payment was 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 Ronald Deblinger, 1148 Crystal Drive, Palm Beach Gardens, FL 33418 in the amount of \$4,924.89.

**183-2020 A Resolution Establishing the Health Benefits and Employee Contributions for Borough of Montvale Employees for the Year 2021**

**WHEREAS**, the Borough of Montvale currently offers health benefits to all of its full-time employees; and

**WHEREAS**, all contractual and non-contractual Borough employees have now satisfied their obligations under the four-year phase-in of P.L. 2001, c. 78; and

**WHEREAS**, as a result of satisfying the "Chapter 78" obligations, the Borough is now entitled to establish an appropriate employee contribution percentage for health benefits to be paid by employees who elect coverage; and

**WHEREAS**, the Borough of Montvale is also entitled to incentivize employees to elect certain coverages and to allow employees to share in the cost savings realized by the Borough as a result of the election of certain lower cost health benefits plans; and

**WHEREAS**, the Borough is desirous of memorializing the health benefits, employee contributions, and other elements of the Borough’s health benefits package for the year 2021.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The following health benefits plans shall be offered to employees for the year 2021, with the required employee contributions of the plan premiums noted below:

<b>Plan</b>	<b>Aetna PPO Core</b>	<b>PPO 20/35 Alt Plan #1</b>	<b>EPO 15/25 Alt Plan #2</b>	<b>EPO 20/35 Alt Plan #3</b>	<b>HDHP 3000 Alt Plan #4</b>
<b>Contribution (% of plan cost)</b>	15%	15%	15%	15%	10%

2. In addition, for those employees who elect the HDHP 3000 plan, the Borough of Montvale shall make a contribution to a Health Savings Account (HSA) in the maximum amount allowed by law up to \$8,000, estimated to be \$3,600 for an individual or \$7,200 for a family plan for the year 2021.
3. For those employees who waive health benefits offered by the Borough of Montvale, the Borough will offer a payment of 25% of the cost of the savings realized by the Borough as a result of said waiver, or \$5,000, whichever figure is less. Such payments shall be made in the last pay period in December, 2021, for those employees who waive coverage.

**184-2020 Rescinding Resolution No. 176-2020 Purchase of Montvale Police Department Radio/Motorola Solutions**

**BE IT RESOVED**, Resolution No. 176-2020 duly adopted by the Governing Body of the Borough of Montvale on October 27, 2020 is hereby rescinded;

**BE IT FURTHER RESOVLED**, the purchase of Radio for the Montvale Police Department under State of NJ Contract will be reviewed and budgeted in said department at a future date.

**185-2020 Resolution Approving the Borough of Montvale COVID-19 Workplace Safety Plan**

**WHEREAS**, Governor Murphy recent issued Executive Order #192, which provides mandatory health and safety standards to protect all New Jersey’s workers at work during the pandemic; and

**WHEREAS**, the Borough of Montvale is desirous of formally adopting a policy to implement the requirements of Executive Order #192 and to memorialize certain other policies and procedures related to COVID-19 in effect in the Borough of Montvale; and

**WHEREAS**, the Borough Administrator and Office Manager, in consultation with the Borough Attorney, have developed the Borough of Montvale COVID-19 Workplace Safety Plan, which is incorporated herein by reference.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Montvale does hereby endorse and approve the Borough of Montvale COVID-19 Workplace Safety Plan.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

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

**BILLS:** Municipal Clerk read the Bill Report.

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

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

**COMMITTEE REPORTS:**

**Council President Arendacs**

Engineering

NJDOT project on Paragon and Philips is complete; getting estimates to remove some trees from the Pascack Brook near Grand Ave and Summit Ave.

DPW

Routine daily maintenance continues; salt shed is complete; the lines are being stenciled on Woodland Road to reduce speeding; statewide requirement by the DEP to, in conjunction with engineering; to inspect the outfalls and to remove any vegetation; the DPW is winterizing the fields and are preparing for the winter season.

Construction

3 Mercedes project is under way; 110 Summit Ave moving along; and Toll Brothers project at 2 Paragon has begun; 133 permits were issued; generated revenue is approximately \$639,000; Jeff Fette has retired and the transition has begun; 18 property maintenance violations were issued;

Buildings and Grounds

New borough signs have been installed and a new boiler was installed at the senior center

In honor of Veterans Day, would like to acknowledge Councilman Dieter Koelling and all the Veterans who served in the Military who fought for our freedom, thank you, it is an honor to sit next to you.

**Councilmember Koelling**

Police

Monthly report included in original minutes;

Thanked Councilmember Arendacs for the kind words and added his thanks to Fire Chief Gibbons and Tri-Boro Ambulance for their service and mentioning about an accident on the Parkway at 3am which the Fire Dept and Tri-Boro responded to. Thinking about you leaving your families at 3am as volunteers. Thank you for your service.

**Councilmember Russo-Vogelsang**

Diversity Committee

Celebrating Diwali, with a Rangoli contest, it is an art form that can be made out of jewels, colored powder, colored rice, flower petals and more, please submit your pictures by November 17 to [diversitycommittee@montvaleboro.org](mailto:diversitycommittee@montvaleboro.org)

BOE

Dr. Petersen wanted everyone to know that school is going well, they are taking it one week at a time; in discussions with the BOE to have bathrooms installed somewhere on the property of Fieldstone for field use.

**Councilmember Curry**

Senior Club

Following the CDC rules and they are ready to be active once again.

Website/Newsletter

Please contact Rose Curry at [rcurry@montvaleboro.org](mailto:rcurry@montvaleboro.org) or Carol Manhart at [cmanhart@montvaleboro.org](mailto:cmanhart@montvaleboro.org)

TV Access

Continue to send in your photos showing Montvale Strong;

Planning Board

Special Meeting on November 16, for Waypoint development which is the 55 and over 180 units

**Councilmember Roche**

**Special Events Committee**

Currently looking for volunteers, please call or email the Recreation Director; The committee is working on the Holiday House Decorating Contest and the Tree Lighting; applications for field use for Spring 2021 will be accepted from Jan 1 – Feb 1, 2021, forms are available online and at the front counter.

**Regional BOE**

Congratulations to Brian Hallowell on his retirement; congratulations to Mike Weaver who was voted in as a new member; currently both schools are back in session;

**Environmental Committee**

The head wall for the Pascack Trail was installed and hoping the entire trail will be operational by the end of the year; Bayberry fence was approved and are now waiting for the contractor to install it; Huff Pond bids were advertised; a new recycle flyer is on the website; plastic bag collection is ongoing.

**Chamber of Commerce**

Working on coordinating virtual events to help businesses

**Councilmember Lane**

**Fire Dept**

20 fire calls; 2 drills; 2 extra credits and 1 meeting; some calls were activated fire alarms, carbon monoxide, a vehicle fire and two mutual aid calls with River Vale; a reminder that Montvale works closely with our neighbors in the surrounding towns.

**Finance**

Looking to start budget season, mentioned that all budget meetings are open to the public

**MAYOR**

Would like to congratulate Doug Arendacs and Rose Curry on their re-election; thanked Jarret Schumacher and Dolores Phillips for their efforts and taking the time to run and serve this community; COVID numbers are increasing, urges the community, if you are showing symptoms, please get tested, please quarantine; Grand Opening on November 16 of CityMD at DiPiero's farm, you can get tested there; Governor Murphy added more restrictions including restaurants to close indoor dining at 10pm and certain indoor sports, more restrictions to follow; would like to congratulate Jeff Fette on his retirement; looking for volunteers for the snow angels program; this Thursday will be live on zoom giving updates on the town and taking questions.

Councilmember Curry would like to give a shout out to the Montvale Library for their wonderful exhibit on voting and also they have an outdoor inter-active storybook for children.

**ENGINEER'S REPORT:**

Andrew Hipolit  
Report/Update

There is a section on Paragon that was not paved, it is part of the Toll Brothers project which will be paved at a later date; reminder that PSEG, Suez and Verizon are in town doing utility upgrades, please be patient.

**ATTORNEY REPORT:**

Joe Voytus, Esq.  
Report/Update  
No report

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

a. Borough of Montvale Submission Best Practice Inventory/State Aid/No Aid Withholding  
The clerk explained this was for informational purposes, showing Montvale scored within the limits allowed and we will receive State Aid

b. Determination of Date & Time M&C Re-Organization Meeting January 2021  
Councilmembers agreed on Monday, January 4, 2021 at 7pm  
The Borough Attorney added that the State put out new guidelines on Zoom meetings and that a resolution would be needed to be in compliance with the new regulations.

**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 Roche - all ayes

Maureen McLaughlin

Thanked members of council for all they do for the community, thanked Councilmember Koelling for his service and thanked all Veterans; thanks for taking down the trees on the kindergarten path and wanted to know what about the rest of the clean-up, Mr. Hipolit stated it is on the DPW schedule and should be cleaned soon.

Carolee Adams

Today is the 245th birthday of the US Marines; the organizations Hoving Home and Unshattered, part of Unshattered, they make purses, bags among other things out of retired military uniforms; Mentioned Movember, we should talk more about men's health; regarding the leaf issue, leave guidelines are in the newsletter, suggested maybe get volunteers to help with the leaves like the snow angels.

Jarett Schumacher

In speaking about attending budget meetings and public participation, it would be helpful to have some guidelines on how the public can participate; what are other towns doing regarding leaf removal, why not leave them at the curb, Mr. Hipolit stated it comes down to main power and purchasing the equipment.

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 Arendacs - all ayes

Meeting was adjourned at 8:41pm

**ADJOURNMENT:**

The next Regular Meeting of the Mayor and Council will be held November 24, 2020 at 7:30 p.m.

**Respectfully submitted, Fran Scordo, Deputy Municipal Clerk**

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 186-2020**

**RE: A Resolution Awarding a Contract to Key Tech Laboratories for Core Sampling and Testing/NJDOT State Aid 2020 Program Road Improvements Program**

**Whereas**, the Borough of Montvale's was required to conduct asphalt core testing services for the 2020 NJDOT Road Program Philips Parkway & Paragon Drive as required by the NJDOT in order to ensure the pavement has been properly installed prior to the release of final payment; and

**Whereas**, the Borough Engineer has recommended that the Borough award this contract to conduct these services to Key Tech Laboratories, consistent with the November 15, 2020 Proposal, a copy of which is attached hereto and made a part hereof; 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 Key Tech Proposal, 210 Maple Place, Keyport, NJ 07735 and authorizes the appropriate officials to execute an agreement and/or purchase order for this work.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

**Adopted: November 24, 2020**

ATTEST:

APPROVED:

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor



Engineers  
Planners  
Surveyors  
Landscape Architects  
Environmental Scientists

400 Valley Road, Suite 304  
Mount Arlington, NJ 07856  
T: 973.398.3110  
F: 973.398.3199  
www.maserconsulting.com

November 15, 2020

**VIA EMAIL**

Maureen Iarossi-Alwan  
Borough Clerk/Borough Administrator  
Borough of Montvale  
12 Mercedes Drive  
Montvale, NJ 07643

Re: Asphalt Coring Quote  
2020 NJDOT Road Program  
MA-2020-Philips & Paragon  
Borough of Montvale, Bergen County, NJ  
**MC Project No. MVB-615**

Dear Ms. Iarossi-Alwan:

Please find the attached proposal from KeyTech Laboratories, 210 Maple Place, P.O. Box 48, Keyport, New Jersey, in the amount of \$1,450.00, for asphalt coring services for the referenced project. The core-testing services outlined in this proposal are required by the NJDOT in order to ensure the pavement has been properly installed prior to release of the final payment. Based on our review of the attached, we take no exception to the proposal and recommend the award of the contract for these services as outlined in the attached proposal at the next Mayor and Council meeting.

If you have any questions pertaining to this matter, please do not hesitate to call me.

Very truly yours,

MASER CONSULTING, INC.

A handwritten signature in black ink, appearing to read 'Andrew R. Hipolit'.

Andrew R. Hipolit, P.E., P.P., C.M.E., C.P.W.M.  
Borough Engineer

ARH/cd/ljb

Attachment: KeyTech Proposal

R:\Projects\MVB\MVB-615\Correspondence\OUT\201115\_arh\_Iarossi-Alwan\_Paragon&Philips\_NJDOT\_Coring Proposal\_MVB615.docx



210 Maple Place

P.O. Box 48

Keyport NJ 07735

Phone (732)888-8308

Fax (732)888-8307

November 12, 2020

Maser Consulting, P.A.  
Attn: Mr. Christopher Dour, P.E.  
400 Valley Road  
Suite 304  
Mt. Arlington, NJ 07856

**Re: MA 2020 NJDOT Roadway Improvements:  
Philips Parkway and Paragon Drive  
NJDOT HMA Core Sampling and Testing, per NJDOT State Aid - 2019  
Borough of Montvale – County of Bergen, NJ  
Key-Tech Job No.: 20-364**

**Bituminous Concrete Core Sampling and Testing Proposal**

Dear Mr. Dour,

In follow up to your request, we are pleased to enclose our Proposal of Services pertaining to the above referenced project.

Our laboratory has been inspected and accredited by AASHTO Materials Reference Laboratory since 1990 and we have performed testing services on numerous local aid projects throughout the State of New Jersey.

We appreciate the opportunity to submit our proposal. Should you have any questions please do not hesitate to contact me.

Sincerely,

Douglas K. Reilly  
ACI, SAT II  
Divisional Manager  
KEY TECH LABORATORIES

Email Address: [DReilly@keytechlabs.com](mailto:DReilly@keytechlabs.com)

November 12, 2020

RE: SCOPE OF SERVICES INCLUDED IN OUR COST ESTIMATE  
Project: **MA 2020 NJDOT Roadway Improvements:  
Philips Parkway and Paragon Drive  
NJDOT HMA Core Sampling and Testing, per NJDOT State Aid - 2019  
Borough of Montvale – County of Bergen, NJ  
Key-Tech Job No.: 20-364**

BITUMINOUS CONCRETE CORE SAMPLING

Core sampling performed in accordance with NJDOT Spec. – ASTM/AASHTO procedures.

- Perform random sampling calculations and sample mark out in field.
- Filling and compacting sample holes with patch material.

LABORATORY ANALYSIS

Quality Control tests are performed in our AASHTO certified laboratory by a New Jersey Society of Asphalt Certified Technician in accordance with AASHTO procedures as required by the N.J.D.O.T.

- Extraction Analysis (composition of mix) AASHTO T-308. (When Requested)
- Bulk specific gravity and void analysis (density) AASHTO procedure T-166.
- Maximum theoretical specific gravity AASHTO procedure T-209.

CALCULATION OF PENALTIES (IF APPLICABLE) AND FINAL REPORT

- Calculation of penalties based upon in-place quantities supplied by client.
- Preparation of the required N.J.D.O.T. final report of test results for submittal to the N.J.D.O.T. for project acceptance and cost reimbursement.

COST ESTIMATE PROPOSAL

Based upon the information supplied, the following number of core samples and tests are required: **1 Lot: Surface Course (5 Cores Samples Extracted / 5 Tests Conducted)**

5 each, 6.00" diameter samples to be tested for bulk specific gravity, maximum theoretical gravity, void analysis and thickness measurements.

**Our Lump Sum Cost Estimate for this project is ..... \$ 1,450.00**

NOTE: The above cost estimate is inclusive with Traffic Control provided by Key Tech Laboratories, at no additional cost to this contract. Should local authorities or traffic conditions warrant lane closures and/or additional traffic directors, the cost for additional local off-duty police officers would be charged at their cost to us after authorization by the client.

**For final reporting to be completed – the submission of the approved mix design for the surface material is required. In addition, the material source plant, as well as the paving contractor, will need to be identified. Form SA-11 should have all required information listed.**

**Should the Township/Municipality be invoiced for the above requested work, a voucher from municipality must be attached at the time of the core request.**

Accepted By: \_\_\_\_\_

\_\_\_\_\_ Date

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 187-2020**

**RE: TRANSFER OF APPROPRIATIONS**

**WHEREAS**, certain transfer of funds for various 2020 budget appropriations are necessary to cover anticipated expenditures; and

**WHEREAS**, N.J.S.A. 40A:4-58 provides for transfers from appropriations with an excess over and above the amount deemed to be necessary to fulfill the purpose for such appropriations, to those appropriations deemed to be insufficient;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale, that the transfers be made between the 2020 budget appropriations as follows:

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
General Appropriations Operations - Within "CAPS"		
Administrative and Executive: Other Expenses	\$2,500.00	
Financial Administration: Salaries and Wages		\$2,500.00
Planning Board: Other Expenses	10,000.00	
Engineering Services and Costs: Other Expenses		10,000.00
Planning Board: Other Expenses	3,000.00	
Planning Board: Salaries and Wages		3,000.00
Planning Board: Other Expenses	1,000.00	
Zoning Official: Salaries and Wages		1,000.00
Planning Board: Other Expenses	500.00	
Property Maintenance: Salaries and Wages		500.00
Planning Board: Other Expenses	6,000.00	
Uniform Fire Safety Act: Salaries and Wages		6,000.00
Fire: Fire Hydrant Service	10,000.00	
Garbage and Trash Removal: Other Expenses		10,000.00
Sewer System: Other Expenses	15,000.00	
Garbage and Trash Removal: Other Expenses		15,000.00

Public Buildings and Grounds:		
Other Expenses	10,000.00	
Garbage and Trash Removal:		
Other Expenses		10,000.00
Public Buildings and Grounds:		
Other Expenses	2,750.00	
Public Buildings and Grounds:		
Salaries and Wages		2,750.00
Public Health Services		
Other Expenses	1,000.00	
Public Health Services		
Salaries and Wages		1,000.00
Planning Board:		
Other Expenses	15,000.00	
Construction Official:		
Salaries and Wages		15,000.00
Planning Board:		
Other Expenses	5,000.00	
Building Subcode Official:		
Salaries and Wages		5,000.00
Gasoline	1,500.00	
Telephone		1,500.00
	\$83,250.00	\$83,250.00
	\$83,250.00	\$83,250.00

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

**Adopted: November 24, 2020**

ATTEST:

APPROVED:

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 188-2020**

**RE: Resolution Approving the Borough of Montvale Policy Concerning Remote Meetings**

**Whereas**, The Division of Local Government Services recently issued Emergency New Rules which provide for Remote Meeting Protocols for Local Public Bodies under N.J.A.C. 5:39-1, et. seq.; and

**Whereas**, the Borough of Montvale is desirous of formally adopting this policy to implement the requirements of the New Jersey Department of Community Affairs, Division of Local Government Services to memorialize the Borough's policy concerning remote meeting protocol for local public bodies which are intended to be adopted by as New Permanent Rules applicable to remote meetings (the "DCA Rules") and;

**Whereas**, the Borough Administrator in consultation with the Borough Attorney have developed the attached policy and

**Now, Therefore, Be It Resolved** that the Governing Body of the Borough of Montvale does hereby endorse and approve the Borough of Montvale Policy Concerning Remote Meetings.

**Be It Further Resolved** that this Resolution shall take effect immediately.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

**Adopted: November 24, 2020**

ATTEST:

APPROVED:

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor

## **BOROUGH OF MONTVALE**

### **POLICY CONCERNING HOLDING REMOTE MEETINGS**

#### **1. Purpose**

As a result of the COVID-19 pandemic, it has become necessary at certain times for the Governing Body and other Montvale board and commissions to hold meetings in a manner other than “in person.” The purpose of this Policy is to formalize the procedures applicable in the Borough of Montvale if and when it is necessary to hold “remote” meetings of the Governing Body or other public bodies in the Borough of Montvale.

The New Jersey Department of Community Affairs, Division of Local Government Services, has adopted certain Emergency Rules at NJAC 5:39-1, et seq., “Remote Meeting Protocol for Local Public Bodies,” which are intended to be adopted as New Permanent Rules applicable to remote meetings (the “DCA Rules”).

The DCA Rules impose new requirements on public entities that either elect or are compelled to hold their public meetings remotely. This Policy is intended to implement the DCA Rules and provide standard procedures for public meetings in the Borough of Montvale.

#### **2. When Remote Meetings May Be Held**

Pursuant to the DCA Rules, public entities may hold meetings remotely if and when a declared emergency “reasonably prevents a local public body from safely conducting public business at a physical location with members of the public present.” The DCA Rules also require meetings to be held remotely where State and Federal guidelines restrict attendance at an in-person public meeting to a number below the number of individuals reasonably expected to attend. Meetings would also have to be held remotely if the public is prohibited from attending in-person meetings entirely.

Due to social distancing requirements and room capacity limits, it is likely that meetings may only be held in person if they are held in the Council Chambers or at the Senior Community Center. Smaller conference rooms almost certainly do not have the capacity to accommodate the members of the board/commission as well as members of the public while complying with social distancing requirements. Room capacity requirements should be checked prior to holding any future meetings while the COVID-19 public health emergency remains in effect.

### **3. Notice**

The Borough Clerk shall ensure that notice of any remote meeting must include “clear and concise instructions for accessing the remote public meeting, the means for making public comment, and where relevant documents, if any, will be made available.” This includes a link and/or call-in instructions for the remote meeting. Normal deadlines for publishing notice of public meetings pursuant to OPMA are still applicable.

If the Borough decides to amend its annual meeting notice to provide for a series of regularly scheduled meetings to be held remotely, rather than in-person, such notice shall be revised in the manner provided by law at least seven (7) days prior to the date of the next regularly-scheduled meeting. If this time-frame cannot be complied with for a specific regularly-scheduled meeting, separate notice must be provided for that meeting.

Notice of a remote meeting, or of a revision of the annual meeting notice, shall also be posted on the Borough website, [www.montvale.org](http://www.montvale.org), and a copy shall be posted on the front door of the Montvale Municipal Complex.

At the beginning of a remote meeting, the Chairperson shall announce publicly that adequate notice and electronic notice of the meeting was provided, and shall state the time, place and manner of such notice.

Nothing herein shall prevent the Governing Body from holding an emergency meeting or other meeting pursuant to N.J.S.A. 10:4-9, or otherwise, where “adequate notice” cannot be provided, so long as the requirements of NJAC 5:39-1.5 and the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. are complied with.

### **4. Technology**

The DCA Rules require meetings that are held remotely “shall use an electronic communications technology that is routinely used in academic, business, and professional settings, and can be accessed by the public at no cost.” These meetings may be held via “audio-only teleconferencing, electronic communications platforms with video and audio, and Internet-accessible technology, such as live-streaming.” It should be noted, primarily for purposes of the Planning Board, that the DCA Rules require video capability for any meeting at which sworn testimony is being taken.

Montvale has elected to use Zoom as its preferred platform for remote meetings, which allows for video teleconferencing with an audio-only option. The minimum capacity requirement in the DCA Rules is 50 people (beyond those who are conducting the meeting). The Borough has a Zoom subscription that allows for a maximum of 500 participants, which satisfies the requirement in the DCA Rules. If the Borough anticipates that a particular meeting will require a capacity beyond what is presently available, the Borough shall either increase such capacity or utilize a different service that allows for such increased capacity.

## 5. Public Comment

Public comment will be allowed during remote public meetings during the portion of the meeting designate for public comment, during ordinance hearings and other hearings required by law to be open to public comment, and at other times with the consent of the Governing Body. On Zoom, individuals should use the “raise hand” function or press \*9 on the telephone to be listed in the queue for public comments. Members of the public will be permitted to comment via audio only, or to have their video turned on during their comments. Individuals will be separately recognized by the Chairperson. The Borough will require speakers to identify themselves prior to making public comments. Commentors should make all effort to ensure that there is no background noise at their location and that there is nothing obscene, vulgar or otherwise disruptive displayed on their screen if they are appearing via video.

The person in control of the Zoom meeting should be prepared to immediately mute and/or turn off video capability for commentors if anything obscene, vulgar, or otherwise disruptive is said or displayed during the comment period. According to the DCA Rules, “Disruptive conduct includes sustained inappropriate behaviors, such as, but not necessarily limited to, shouting, interruption, and use of profanity.”

If there is a dispute as to whether the individual was appropriately muted and/or removed from video capability, the Chairperson will engage with the individual to the extent possible to resolve the issue and to allow the individual to continue commenting. However, any commentors found to have repeatedly broadcasted or displayed any material that is obscene, vulgar, or disruptive may have their rights to comment in public restricted and/or be removed from the meeting entirely.

The Borough shall also allow public comments to be submitted to the Borough Clerk in advance of the meeting. The comments may be submitted in hard copy or electronically to the Borough Clerk at [miarossi@montvaleboro.org](mailto:miarossi@montvaleboro.org). The deadline for such comments shall be 12:00 noon on the date of the meeting. Comments received after this deadline will be reserved for the following public meeting. At the meeting, the Borough Clerk shall read such comments aloud during the portion of the meeting that is open for public comment. If there are duplicative written comments received, they may be identified for the record and summarized.

The time limit for all public comments, including those read by the Borough Clerk, shall be five (5) minutes.

At the beginning of the meeting, the Chairperson shall read the following statement:

“Members of the public who wish to speak during the public comment portions of the meeting may do so by audio only or by video and audio. Individuals who wish to speak should use the “raise hand” function on Zoom or press \*9 on their telephones. Individuals will be separately recognized by the Chairperson and unmuted. Individuals must advise the Chairperson if they want video capability enabled. Individuals who broadcast or display any material that is obscene, vulgar, or disruptive will be muted and/or have their video capability removed, and

repeat violators will have their rights to comment in public restricted and/or be removed from the meeting entirely.”

## **6. Documents and Presentations**

Consistent with the DCA Rules, all presentations and documents that would otherwise be viewed or available to members of the public physically attending an in-person meeting shall be made available on the Borough’s website, [www.montvale.org](http://www.montvale.org). A link to access these documents, if any, will be provided on the same page where the Zoom meeting link and agenda packet are found.

# EMERGENCY ADOPTION

## COMMUNITY AFFAIRS

(a)

### DIVISION OF LOCAL GOVERNMENT SERVICES Remote Meeting Protocol for Local Public Bodies During Declared Emergency

#### Adopted Emergency and Concurrent Proposed New Rules: N.J.A.C. 5:39

Emergency New Rules Adopted and Concurrent Proposed New  
Rules Authorized: September 21, 2020, by Melanie R. Walter,  
Director of the Division of Local Government Services.

Filed: September 23, 2020, as R.2020 d.110.

Gubernatorial Approval: September 22, 2020.

Authority: N.J.S.A. 52:27D-18.11.

Calendar Reference: See the notice introduction below for  
explanation of exception to calendar requirement.

Concurrent Proposal Number: PRN 2020-102.

Emergency Adoption Effective Date: September 23, 2020.

Emergency Adoption Expiration Date: November 22, 2020.

Please submit written comments on the proposal by November 18,  
2020, via email to [digs@dca.nj.gov](mailto:digs@dca.nj.gov) or by regular mail to:

Jason R. Martucci, Esq.  
Administrative Practice Officer  
Division of Local Government Services  
Department of Community Affairs  
PO Box 803  
Trenton, NJ 08625-0803

For comments submitted via email, please name the subject heading  
"NJAC 5:39-1; Remote Meeting Protocol for Local Public Bodies."

**Take notice** that this notice of emergency adopted and concurrently proposed new rules are authorized by the Director of the Division of Local Government Services in the Department of Community Affairs, adopting rules concerning the conduct of remote public meetings by local public bodies when a public health emergency, a state of emergency, or a state of local disaster emergency is declared by the Governor and is in effect (hereinafter collectively referenced as a "declared emergency").

Section 8 of P.L. 2020, c. 34 (N.J.S.A. 52:27D-18.11) expressly permits a local public body to conduct a public meeting remotely by electronic means during a state of emergency, so long as reasonable public notice and provision for public input is made under the circumstances. The law defines a "local public body" as any "public body," as that term is defined at N.J.S.A. 10:4-8 of the Senator Byron M. Baer Open Public Meetings Act, with territorial jurisdiction equal to or less than a county. The Director of the Division of Local Government Services (Director) is required to promulgate rules concerning the conduct of remote public meetings during a state of emergency, which shall include minimum procedures to be followed to provide reasonable public notice and allowance for public input. The Director may adopt such rules on an emergency basis pursuant to N.J.S.A. 52:14B-4(c). Before adopting and concurrently proposing this rulemaking, the Director consulted with the Commissioner of the Department of Education as the rules apply to boards of education. The rules are also consistent with N.J.S.A. 10:4-9.3, enacted on March 20, 2020, as P.L. 2020, c. 11, pertaining to electronic public meetings by a public body.

The new rules are adopted on an emergency basis and were effective upon acceptance for filing by the Office of Administrative Law (see N.J.S.A. 52:14B-4(c), as implemented by N.J.A.C. 1:30-6.5(b)). Concurrently, the provisions of this emergency adoption are proposed pursuant to the normal rulemaking requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and due to the emergency filing, this rulemaking is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)3. The concurrent proposed rules will become effective upon acceptance for filing by the Office of

Administrative Law (N.J.A.C. 1:30-6.5(d)) if filed on or prior to the emergency expiration date.

#### Summary

N.J.A.C. 5:39-1.1 establishes the purpose of these emergency adopted and concurrently proposed rules, namely to allow local public bodies to conduct public business in an open and transparent manner when the circumstances of a declared emergency reasonably prevent a public meeting from safely being held in a physical location.

N.J.A.C. 5:39-1.2 defines key terms used in the chapter. The rules apply to public meetings held by "local public bodies," a term that encompasses counties, municipalities, boards of education, commissions and boards established by counties and municipalities, joint meetings or regional service agencies, as defined by N.J.S.A. 40A:65-3 of the Uniform Shared Services and Consolidation Act, and any entities subject to the Local Authorities Fiscal Control Act (N.J.S.A. 40A:5A-1 et seq.). Many terms set forth in the definitions are used in the Senator Byron M. Baer Open Public Meetings Act and use definitions similar to those in the Senator Byron M. Baer Open Public Meetings Act.

N.J.A.C. 5:39-1.3 permits a local public body to hold a remote public meeting if a declared emergency prevents a local public body from conducting public business at a meeting where the public can physically attend. If a local public body is holding a meeting in a location where, pursuant to State and/or Federal guidelines meant to mitigate the risk of contagious infection, the declared emergency necessitates capacity restrictions reducing the number of individuals that can be present in the meeting room an amount below that reasonably expected for the public meeting by the governing body, this section would require the local public body to either move the physical meeting to a larger venue where social distancing measures can be adequately observed, or hold the public meeting both in-person and as a remote public meeting.

N.J.A.C. 5:39-1.4 establishes minimum technological and procedural requirements for remote public meetings. A local public body shall use audio or audio/video electronic communications technology that is routinely used in academic, business, and professional settings, and is widely accessible to the public at no cost. A similar level of access must be provided to the public as to the local public body, including the ability to access both the audio and video of a remote public meeting if the meeting is broadcast in video. If the local public body meets in-person for a meeting, this section would also require members of the public to be able to attend the meeting in-person. To ensure adequate public access, particularly given the potential for an increase in public participation due to the convenience of viewing a public meeting remotely, participant capacity on the selected platform should be consistent with the reasonable expectation of the public body for public meetings of the type being held and shall not be limited to fewer than 50 public participants (beyond those persons required to conduct business at the meeting). This section addresses how documents presented at a remote public meeting must be made visible or individually available to the public, as well as sets minimum standards for public access to the meeting and facilitating public comment. Finally, this section establishes a framework for standard procedures and requirements concerning public comment and the orderly conduct of the public meeting, which the local public body must adopt.

N.J.A.C. 5:39-1.5 generally requires remote public meetings to be noticed both by "adequate notice" and "electronic notice," as those terms are defined in the Senator Byron M. Baer Open Public Meetings Act. This means that notice of a remote public meeting must be transmitted in writing at least 48 hours in advance to at least two newspapers, in addition to being posted on the website of the public entity that the local public body governs or the entity that appoints the members of the local public body. In addition, the notice must be posted on the door of the main public entrance to the building where the public would routinely attend public meetings of the local public body in-person. Notices must also be posted on the door for any designated and clearly delineated handicap-accessible entrance. These notices must be viewable from the outside.

Notice of a remote public meeting must include, in addition to the content required under N.J.S.A. 10:4-8, clear and concise instructions for accessing the remote public meeting, the means for making public comment, and where relevant documents, if any, will be made available. If the declared emergency prevents transmittal to newspapers by the methods set forth in the Senator Byron M. Baer Open Public Meetings Act, the rules state that transmittal by electronic mail shall be a satisfactory means of transmission. During a declared emergency, if a local public body elects to solely provide electronic notice of a remote public meeting, the public business discussed or effectuated during said meeting shall be limited to matters necessary for the continuing operation of government and which relate to the emergency declaration connected with the declared emergency; or requiring a decision during the remote public meeting due to imminent time constraints. The latter condition is a regulatory interpretation of the requirement at subsection b. of N.J.S.A. 10:4-9.3 that, when notice of the public meeting is delivered solely through electronic means, the business discussed shall be limited to that necessary for the continuing operation of government and that relate to the emergency declaration connected with the declared emergency "to the extent practicable." This section also sets forth the procedures that must be followed when urgent circumstances require a remote public meeting to be held without adequate notice or electronic notice.

N.J.A.C. 5:39-1.6 states that a local public body entering into an executive or closed session shall ensure that audio or video of the session cannot be accessed, except by those individuals that are authorized to participate in the session.

N.J.A.C. 5:39-1.7 establishes requirements for land use boards holding public hearings on development applications through a remote public meeting. A land use board must consider the ability of electronic communication technology to ensure the due process of the applicant, interested parties, and the public by facilitating the examination of exhibits, transcription of testimony, and cross-examination of witnesses. Factors in making this determination include the project's scale, the number of approvals requested, the degree of public interest, and the extent of public opposition. Notice of a public hearing to be held as a remote public meeting shall also identify where all plans and documents associated with the hearing or hearings may be accessed by the public and provide clear and concise instructions on accessing the exhibits. The section also requires the applicant to submit all exhibits to the land use board secretary no less than two days in advance of the remote public meeting, and makes the applicant responsible for converting all exhibits into a format that the public can remotely access.

#### **Social Impact**

Under circumstances when physical attendance of a governing body meeting is precluded by a declared emergency, the emergency adopted and concurrently proposed new rules will ensure local government entities can continue conducting public business in an open and transparent manner. These protocols ensure that, despite emergent circumstances involving public health or public safety, members of the public can be informed about, and fully participate in, public business when a public meeting is not held in a physical location. This is particularly the case when individuals may have limited internet access. Establishing standard procedures helps ensure that the objectives of the Senator Byron M. Baer Open Public Meetings Act concerning transparency, public participation, and the integrity of actions affecting public business are maintained when public meetings are held remotely. Emergency adoption of these rules allows for their immediate effect during the ongoing COVID-19 public health emergency.

#### **Economic Impact**

The emergency adopted and concurrently proposed new rules will ensure continuity of operations during a declared emergency by providing a regulatory framework for local governing bodies to conduct public business by meeting remotely. These rules will reinforce the authority of local governing bodies to take action that continues delivery of the essential services that underpin local economic activity. Establishing minimum standards for land use boards holding public hearings on development applications will help to mitigate delays in local construction activity.

#### **Federal Standards Statement**

No Federal standards analysis is required because the emergency adopted and concurrently proposed new rules are not being proposed to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

#### **Jobs Impact**

The emergency adopted and concurrently proposed new rules will have an indeterminate impact on construction jobs, as public hearings on development applications that can be held remotely, while ensuring due process will avoid delays in local construction activity.

#### **Agriculture Industry Impact**

The Director does not anticipate that the emergency adopted and concurrently proposed new rules will have an impact on the agriculture industry.

#### **Regulatory Flexibility Statement**

The emergency adopted and concurrently proposed new rules would not impose any reporting, recordkeeping, or compliance requirement on "small businesses" as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

#### **Housing Affordability Impact Analysis**

The Director does not anticipate that the emergency adopted and concurrently proposed new rules will have an impact on housing affordability or on the average costs of housing, as the concurrently proposed new rules will ensure continuity of operations during a declared emergency by providing a regulatory framework for local governing bodies to conduct public business by meeting remotely.

#### **Smart Growth Development Impact Analysis**

The emergency adopted and concurrently proposed new rules will have no anticipated impact on housing production in Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan, as the concurrently proposed new rules will ensure continuity of operations during a declared emergency by providing a regulatory framework for local governing bodies to conduct public business by meeting remotely.

#### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The emergency adopted and concurrently proposed new rules will have no impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State.

Full text of the emergency adopted and concurrently proposed new rules follow:

### **CHAPTER 39**

#### **PUBLIC MEETINGS BY LOCAL GOVERNMENT ENTITIES**

##### **SUBCHAPTER 1. EMERGENCY REMOTE MEETING PROTOCOL FOR LOCAL PUBLIC BODIES**

###### **5:39-1.1 Purpose**

The purpose of this chapter is to ensure that local public bodies can conduct official public business in an open and transparent manner whenever a declared emergency, as defined by this chapter, requires a local public body to conduct a public meeting without physical attendance by members of the public. Nothing in this chapter prevents a local public body from holding a remote public meeting under such other circumstances as may be permitted by the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-1 et seq.

###### **5:39-1.2 Definitions**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

"Adequate notice" shall have the same definition as at N.J.S.A. 10:4-8; however, for purposes of this chapter, and to the extent not otherwise set forth at N.J.S.A. 10:4-8, the notice transmitted to at least two newspapers for publication may occur through electronic mail or other electronic means that is accepted or requested by the newspaper.

also allow the local public body to regulate participation by individual members of the public. A telephonic audio conference call line must have a queuing or similar function for regulating public comment.

(h) Subject to (e) and (f) above, the local public body shall adopt, by resolution, standard procedures and requirements for public comment made during a remote public meeting, as well as for public comments submitted in writing ahead of the remote public meeting. Such procedures and requirements shall include standards of conduct to be followed by members of the public when making comment. The procedures and requirements for making public comment, along with an explanation of the audio muting function of the electronic communications platform being used, shall be announced at the beginning of the remote public meeting. Regulation of conduct by members of the public on a remote public meeting shall be consistent with law and practices followed if a member of the public disrupts an in-person meeting. The following procedures shall be incorporated:

1. The local public body shall facilitate a dialogue with the commenter to the extent permitted by the electronic communications technology;

2. If a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the member of the local public body charged with running the remote public meeting shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn that continued disruption may result in their being prevented from speaking during the remote public meeting or removed from the remote public meeting. Disruptive conduct includes sustained inappropriate behaviors, such as, but not necessarily limited to, shouting, interruption, and use of profanity; and

3. A member of the public who continues to act in a disruptive manner after receiving an initial warning may be muted while other members of the public are allowed to proceed with their questions or comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make their comment. Should the person remain disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting.

(i) Electronic communications platforms and Internet-accessible technologies used for remote public meetings shall be hosted on FedRAMP Moderate Impact Level Authorized dedicated servers or in a FedRAMP Moderate Impact Level Authorized Cloud, unless the host of the dedicated servers or cloud provides annual evidence of satisfactory cybersecurity internal controls through a SOC2 audit report. When using cloud services, the technology vendor shall check provider credentials and contracts to ensure FedRAMP Moderate Impact compliance unless annual evidence of satisfactory internal controls is provided through a SOC2 audit report.

#### 5:39-1.5 Notice of remote public meetings; statement in minutes

(a) Adequate notice of a remote public meeting must include, in addition to the content required pursuant to N.J.S.A. 10:4-8, clear and concise instructions for accessing the remote public meeting, the means for making public comment, and where relevant documents, if any, will be made available.

(b) In addition to adequate notice, a local public body shall also provide electronic notice of a remote public meeting, except as may be permitted pursuant to N.J.S.A. 10:4-9.3 and (c) below. The electronic notice shall contain the content required pursuant to N.J.S.A. 10:4-8 and 10:4-9.1 and (a) above, and shall be posted on the Internet website or webpage of the entity governed by the local public body, or the entity responsible for appointing the members of the local public body. If a municipality or board of education does not have a website, electronic notice shall be provided on an official social media platform of the municipality or board of education; however, electronic notice is not required if the municipality or board of education does not have an internet presence. Unless otherwise prohibited by the declared emergency, the content of the electronic notice shall also be posted on the main access door of the building where the public would routinely attend public meetings of the local public body in-person. The notice must be viewable from the outside.

(c) If during a declared emergency a local public body elects to issue electronic notice of a remote public meeting in lieu of, rather than in

addition to, adequate public notice, as permitted pursuant to N.J.S.A. 10:4-9.3, the local public body shall limit public business discussed or effectuated at the meeting to matters:

1. Necessary for the continuing operation of government and which relate to the emergency declaration connected with the declared emergency; or

2. Requiring decision during the remote public meeting due to imminent time constraints.

(d) Nothing in this chapter prohibits a local public body from holding a remote public meeting, notwithstanding the failure to provide adequate notice and electronic notice, where permitted, pursuant to N.J.S.A. 10:4-9.

(e) If the local public body expects to conduct remote public meetings for a series of regularly scheduled meetings advertised in its annual notice, the annual notice shall be revised at least seven days prior to the next regularly scheduled meeting, indicating which meeting(s) will be held as a remote public meeting and shall contain clear and concise instructions for accessing those remote public meetings, the means for making public comment, and where relevant documents, if any, will be made available. In addition to the means of notice transmission required pursuant to N.J.S.A. 10:4-18, the revised annual notice shall be posted on the Internet website or webpage of the entity governed by the local public body, or the entity responsible for appointing the members of the local public body. If a municipality or board of education does not have its own website, the revised notice shall be provided on an official social media platform unless the municipality or board of education does not have an Internet presence. Unless otherwise prohibited by the declared emergency, the content of the electronic notice shall also be posted on the door of the main public entrance to the building where the public would routinely attend public meetings held by the local public body. Notice must also be posted on the door for any designated and clearly delineated handicap-accessible entrance. These notices must be viewable from the outside.

(f) If a previously scheduled local public body meeting was to allow public attendance without a public health-related restriction as to capacity, but the local public body intends to hold the same meeting as a remote public meeting due to a declared emergency and the change is not reflected in a revised annual notice issued pursuant to (e) above, the local public body shall issue adequate and electronic notice for said meeting pursuant to (a) and (b) above as if the meeting were not included in the annual notice.

(g) At the commencement of every remote public meeting of a local public body, the person presiding shall announce publicly, and shall cause to be entered in the minutes of the meeting, an accurate statement to the effect that:

1. Both adequate and electronic notice of the meeting has been provided, specifying the time, place, and manner in which such notice was provided;

2. Only electronic notice of the meeting has been provided, specifying the time, place, and manner in which such notice was provided, and that discussion and effectuation of public business shall be limited to only those matters:

i. Necessary for the continuing operation of government and that relate to the applicable emergency declaration; or

ii. Requiring decision during the remote public meeting due to imminent time constraints; or

3. That adequate notice and electronic notice was not provided, in which case such announcement shall state:

i. The reason, or reasons, why the matter, or matters, discussed are of such urgency and importance, as contemplated pursuant to N.J.S.A. 10:4-9(b)(1), and the nature of the substantial harm to the public interest likely to result from a delay in the holding of the meeting;

ii. That the remote public meeting will be limited to discussion of, and acting with respect to, such matters of urgency and importance;

iii. The time, place, and manner in which notice of the meeting was provided; and

iv. Either that the need for such meeting could not reasonably have been foreseen at a time when adequate notice and/or electronic notice could have been provided, in which event, such announcement shall specify the reason why such need could not reasonably have been foreseen; or that such need could reasonably have been foreseen at a time when adequate notice and/or electronic notice could have been provided,

“Annual notice” means a schedule of regular meetings of the public body to be held in the succeeding year noticed pursuant to N.J.S.A. 10:4-8 and 10:4-18. For purposes of this chapter, the annual notice may be transmitted through electronic mail to newspapers and persons requesting an annual notice pursuant to N.J.S.A. 10:4-18. If the declared emergency prevents the local public body from mailing an annual notice to individuals requesting notice pursuant to N.J.S.A. 10:4-18, it shall be mailed to individuals for whom the local public body does not have an electronic mail account as soon as practicable.

“Application for development” shall have the same definition as at N.J.S.A. 40:55D-3.

“Declared emergency” means a public health emergency, pursuant to the Emergency Health Powers Act, P.L. 2005, c. 222 (N.J.S.A. 26:13-1 et seq.), or a state of emergency, pursuant to P.L. 1942, c. 251 (N.J.S.A. App.A.9-33 et seq.), or both, or a state of local disaster emergency that has been declared by the Governor and is in effect.

“Electronic notice” shall have the same definition as at N.J.S.A. 10:4-9.1.

“Internet” shall have the same definition as at N.J.S.A. 10:4-9.1.

“Land use board” means a board of adjustment as defined at N.J.S.A. 40:55D-3 or a planning board as defined at N.J.S.A. 40:55D-6.

“Live streaming” means the live audio and video transmission of a remote public meeting over the Internet.

“Local public body” means any “public body,” as that term is defined at N.J.S.A. 10:4-8, with territorial jurisdiction equal to or less than a county. This term shall include boards of education, counties, municipalities, boards and commissions created by one or more counties or municipalities, and any authorities subject to N.J.S.A. 40A:5A-1 et seq., including fire districts and other special districts, along with joint meetings or regional service agencies as defined at N.J.S.A. 40A:65-3.

“Public body” shall have the same definition as at N.J.S.A. 10:4-8.

“Public business” shall have the same definition as at N.J.S.A. 10:4-8.

“Public meeting” shall have the same definition as the term “meeting” at N.J.S.A. 10:4-8.

“Remote public meeting” means a public meeting that is conducted by any means of electronic communication equipment permitted pursuant to this chapter.

5:39-1.3 Circumstances under which a local public body may hold a remote public meeting during a declared emergency for conducting public business

(a) In addition to any circumstances under which public meetings held by means of communication equipment may be authorized pursuant to the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-1 et seq., a local public body may hold a remote public meeting to conduct public business during a declared emergency if the emergency reasonably prevents a local public body from safely conducting public business at a physical location with members of the public present.

(b) If, during a declared emergency, a local public body holds a physical meeting in a location where, pursuant to State and/or Federal guidelines meant to mitigate the risk of a contagious infection, the declared emergency necessitates capacity restrictions reducing the number of individuals that can be present in the meeting room to an amount below that reasonably expected for the public meeting by the governing body, the local public body must either hold the public meeting at another location with adequate capacity for the reasonably expected attendance by the public or hold the public meeting as both an in-person meeting and a remote public meeting. As set forth at N.J.A.C. 5:39-1.4(c), no in-person meeting shall proceed if the room capacity does not permit any member of the public to attend.

(c) Nothing in this section shall be interpreted to prevent a local public body from broadcasting the audio and/or video of, or taking remote public comment during, a public meeting that the public can physically attend without being subject to public health-related capacity restrictions.

5:39-1.4 Minimum technological and procedural requirements for remote public meetings necessitated by a declared emergency

(a) If a declared emergency requires a local public body to hold a remote public meeting to conduct public business, a local public body shall use an electronic communications technology that is routinely used

in academic, business, and professional settings, and can be accessed by the public at no cost. Participant capacity on the selected platform should be consistent with the reasonable expectation of the public body for public meetings of the type being held and shall not be limited to fewer than 50 public participants (beyond those persons required to conduct business at the meeting).

(b) Remote public meetings may be held by means including, but not limited to, audio-only teleconferencing, electronic communications platforms with video and audio, and Internet-accessible technology, such as live-streaming. If an electronic communications platform or Internet-accessible technology is being utilized for a remote public meeting, a telephonic conference line shall be also be provided to allow members of the public to dial-in by telephone to listen and provide public comment as otherwise required by law. A local public body may require members of the public to state, prior to providing public comment, whether they wish to speak and to identify themselves prior to speaking.

(c) A local public body shall provide the public with similar access to a remote public meeting as members of the local public body, staff of the local public body, and any individuals seeking one or more approvals from the local public body. If a remote public meeting is held by audio and video, the public shall also have the opportunity to participate in the meeting in both audio and video capacities. A local public body meeting held in-person shall not prohibit members of the public from attending in-person.

(d) Any remote public meeting where sworn testimony is being taken shall be broadcast by video, as well as by audio. All individuals giving sworn testimony at a remote public meeting shall appear by video in addition to audio.

(e) Any presentations or documents that would otherwise be viewed or made available to members of the public physically attending a local public body meeting shall be made visible on a video broadcast of the remote public meeting or made available on the Internet website or webpage of the entity governed by the local public body, or the Internet website or webpage of the entity responsible for appointing the members of the local public body. If a document would be made available to individual members of the public in hard copy while physically attending the meeting, the document shall be made available in advance of the meeting for download through an internet link appearing either on the meeting notice, or near the posting of the meeting notice both on the website and at the building where the meeting would otherwise be held. If a municipality or board of education does not have its own website, such documents shall be available upon request ahead of the meeting and provided through an official social media account if one exists.

(f) A local public body holding a remote public meeting shall allow members of the public to make public comment by audio, or by audio and video, if the remote public meeting is held over both audio and video, during the meeting. In advance of the remote public meeting, the local public body shall allow public comments to be submitted to the official responsible for creating the meeting agenda by electronic mail and in written letter form by a reasonable deadline. The local public body shall have the discretion to accept text-based public comment received during a remote public meeting held through an electronic communications platform or Internet-accessible technology. Public comments submitted before the remote public meeting through electronic mail or by written letter shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public. If the local public body imposes a reasonable time limit on public comments, where permitted by law, the same limits can be placed on the reading of written comments. Each comment shall be read from the beginning, until the time limit is reached. A local public body may pass over duplicate written comments; however, each duplicate comment shall be noted for the record with the content summarized. If the local public body elects to summarize duplicative comments, the local public body must not summarize certain duplicative comments while reading other duplicative comments individually.

(g) The electronic communications technology used for a remote public meeting must have a function that allows the local public body to mute the audio of all members of the public, as well as allow members of the public to mute themselves. Any electronic communications platform or Internet-accessible technology used for a remote public meeting shall

but such notice was not provided, in which event the announcement shall specify the reason why adequate notice and/or electronic notice was not provided.

(h) Where a local public body is required by law to provide a meeting agenda, or otherwise provides a meeting agenda by practice at its regularly scheduled meetings, prior to the commencement of the remote public meeting, the local public body shall also make a copy of the agenda available to the public for download through an Internet link appearing either on the meeting notice, or near the posting of the meeting notice on the website. The notice shall also be posted at the building where the meeting would otherwise be held prior to the commencement of the remote public meeting.

5:39-1.6 Executive or closed session during remote public meetings

A local public body entering into an executive or closed session shall ensure that audio or video of the session cannot be accessed, except by those individuals that are participating in the session. A separate non-public conference line or e-platform session may be employed for this purpose.

5:39-1.7 Land use boards; public hearings on applications for development

(a) Before holding a public hearing on an application for development during a remote public meeting, a land use board shall determine whether

electronic communication technology can sufficiently facilitate due process of the applicant and any interested party, including the ability to examine exhibits, transcribe testimony, and cross-examine witnesses, as well as the ability of the public to comment upon the application. Factors in making this determination shall include, at a minimum, the scale of the project, the number of approvals requested, the degree of public interest, and the number of potential objectors.

(b) If a land use board holds a public hearing on one or more applications for development during a remote public meeting, the adequate notice and electronic notice shall also identify where all plans and documents associated with the hearing or hearings may be accessed by the public and provide clear and concise instructions on accessing the exhibits. The applicant shall submit all exhibits to the land use board secretary no less than two days in advance of the remote public meeting, and the applicant shall be responsible for converting all exhibits into an electronic format accessible to the public.

(c) Any remote public meeting of a land use board with one or more public hearings on the agenda shall be broadcast by video, as well as by audio. Individuals giving sworn testimony at a public hearing held during a remote public meeting shall appear by video in addition to audio.

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 189-2020**

**RE: Refund 4<sup>th</sup> Quarter 2020 Taxes and The Cancellation Of All Future Taxes Due To Granting Of Totally Disabled Veteran Status By Department Of Veterans Affairs**

**WHEREAS**, this resolution authorizes the municipality to refund 4<sup>th</sup> quarter 2020 taxes and cancel all future taxes due to the granting of totally disabled veteran status by the Department of Veterans Affairs per the Department's letter dated November 5, 2020 for Ronald Waldt. Mr. Waldt is the owner of 7 Wayne Street, Block 2405, Lot 24.

**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 Mr. Waldt \$1,920.27 and to cancel all future taxes as per the above.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

**Adopted: November 24, 2020**

ATTEST:

APPROVED:

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 190-2020**

**RE: Refund Tax Overpayments Various Parcels**

**WHEREAS**, a resolution authorizing the Borough of Montvale to refund an overpayment of taxes for the fourth quarter installment; and

**WHEREAS**, 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 the following:

Grace Line, 8 Wildwood Court, Montvale, NJ in the amount of \$5,971.35

1<sup>st</sup> Constitution Bank, 2650 route 130 & Dey Road, Cranbury, NJ 08512 in the amount of \$5,766.99

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

**Adopted: November 24, 2020**

ATTEST:

APPROVED:

\_\_\_\_\_  
Maureen Tarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor

**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 191-2020**

**RE: A Resolution Establishing an Appeals Panel for the Purpose of Adjudicating Appeals by Individuals Whose Background Checks are Potentially Disqualifying and Who Wish to Serve as Coaches or Instructors with the Montvale Athletic League**

**Whereas**, the Borough of Montvale has implemented mandatory background checks for all Recreation Department and Montvale Athletic League (“MAL”) coaches and instructors; and

**Whereas**, the Borough is desirous of establishing an appeals panel to adjudicate appeals by individuals whose background checks reveal potentially-disqualifying information and who wish to serve as a coach or instructor with the MAL; and

**Whereas**, the conditions under which a person would be recommended for disqualification in serving their respective organization in any capacity is set forth by the State of New Jersey:

*A person may be disqualified from serving as an employee or volunteer of a nonprofit youth serving organization if that person’s criminal history background check reveals a record of conviction of any of the following crimes and offenses:*

- *Homicide (N.J.S.A. 2C:11)*
- *Assault, reckless endangerment, threats, stalking (N.J.S.A. 2C:12)*
- *Kidnapping (N.J.S.A. 2C:13)*
- *Sexual Offenses (N.J.S.A. 2C:14)*
- *Offenses Against the Family, Children and Incompetents (N.J.S.A. 2C:24)*
- *Controlled Dangerous Substances (N.J.S.A. 2C:35 except for 2C:35-10(a)4)*
- *Robbery (N.J.S.A. 2C:15)*
- *Theft (N.J.S.A. 2C:20); and*

**Whereas**, disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses; and

**Whereas**, an acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction; and

**Whereas**, an individual that receives a recommendation of disqualification after a background check has been conducted has the ability to appeal so long as they notify the Recreation Director in writing within 14 days of notification and file a *Request for Criminal History Record* with the New Jersey State Police SBI/VRO Department; and

**Whereas**, once the notice of appeal and criminal history records are received by the Recreation Director, the Appeals Panel will review the aforementioned documents, **with any identifying information redacted**, and make a decision as to whether the individual will be allowed to volunteer within the Montvale Athletic League based upon the following:

1. The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be.

2. The nature and seriousness of the crime or offense.
3. The circumstances under which the crime or offense occurred.
4. The date of the crime or offense.
5. The age of the individual when the crime or offense was committed.
6. Whether the crime or offense was an isolated or a repeated incident.
7. Any social conditions which may have contributed to the commission of the crime or offense.
8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.
9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision; and

**Whereas**, the Appeals Panel will subsequently issue a written determination on the appeal of the disqualifying conviction, setting forth the reasons for the determination; and

**Whereas**, it is necessary for the Governing Body to establish the members of the Appeals Panel.

**Now, Therefore, Be It Resolved** by the Governing Body of the Borough of Montvale, as follows:

1. The recitals above are incorporated fully as if set forth herein at length.
2. An Appeals Panel is hereby established with the authority to adjudicate appeals by individuals with potentially-disqualifying information revealed during their background checks who wish to serve as coaches or instructors with the Montvale Athletic League.
3. The Appeals Panel shall consist of the following individuals for appeals made by volunteers within the Montvale Athletic League:

**Panel Member-** Borough Risk Manager

**Panel Member-** Montvale Athletic League Board Member (selected by MAL)

**Panel Member-** Borough Administrator

**Consulting Member (No Vote Capacity)-** Police Chief or Designee

**Informational Member (No Vote Capacity)-** Recreation Director

4. The Appeals Panel shall consist of the following individuals for appeals made by volunteers or employees within the Recreation Department:

**Panel Member-** Borough Risk Manager

**Panel Member-** Recreation Director Designee

**Panel Member-** Borough Administrator

**Consulting Member (No Vote Capacity)-** Police Chief or Designee

**Informational Member (No Vote Capacity)-** Recreation Director

5. Any decision by the Appeals Panel to allow an individual with potentially-disqualifying information to serve as a coach or instructor with the MAL must be unanimous among the voting members.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

**Adopted: November 24, 2020**

ATTEST:

APPROVED:

\_\_\_\_\_  
Maureen Larossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Michael Ghassali  
Mayor

RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, N.J., that the following bills, having been referred to the Borough Council and found correct, be and the same hereby be paid:

<u>FUND</u>	<u>AMOUNT</u>	<u>NOTES</u>
Current	\$565,069.07	Bill List Wire 11/24/2020
	<u>1,267,446.96</u>	Wires/Manual Checks
Current TOTAL	1,832,516.03	
Escrow	7,264.50	Bill List Wire 11/24/2020
Housing Trust	6,628.35	Bill List Wire 11/24/2020

*This resolution was adopted by the Mayor and Council of Montvale at a meeting held on 11/24/20*

Introduced by: \_\_\_\_\_

Approved: 11/24/20

Seconded by: \_\_\_\_\_

\_\_\_\_\_  
Michael Ghassali, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Iarossi-Alwan, Municipal Clerk

**MANUAL/VOID CHECKS - WIRES**  
**November 24, 2020**

<u>Check #</u>	<u>PO #</u>	<u>Date</u>	<u>Transaction/Vendor</u>	<u>Amount</u>
WIRE		11/10/20	Payroll Account-Current	190,655.57
WIRE		11/10/20	Salary Deduction Account	105,289.27
WIRE		11/10/20	FSA Account	162.50
WIRE	20-00999	8/14/20	First Jersey Title(26 N.KKK)	397,244.31
WIRE	20-01406	11/12/20	First Jersey Title(25 W.Grand)	574,095.31
<b>Total</b>				<u>1,267,446.96</u>

P.O. Type: All  
Range: First to Last  
Format: Condensed

Open: N Paid: N Void: N  
Rcvd: Y Held: Y Aprv: N  
Bid: Y State: Y Other: Y Exempt: Y

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00071 SUEZ WATER NEW JERSEY	20-01394	11/09/20	10003825412222 SUEZ WATER	Open	61,512.68	0.00		
00072 PEERLESS CONCRETE PRODUCTS CO.	20-01002	08/17/20	PASCACK BROOK TRAIL - HEADWALL	Open	4,125.00	0.00		
00097 CABLEVISION	20-01375	11/03/20	07873-218840-01-0 OPTIMUM	Open	7.82	0.00		
	20-01412	11/13/20	07873-204461-01-0 CABLEVISION	Open	135.45	0.00		
	20-01413	11/13/20	07873-109890-01-7 CABLEVISION	Open	101.18	0.00		
	20-01414	11/13/20	07873-199375-01-1 CABLEVISION	Open	194.96	0.00		
					<u>439.41</u>			
00112 MONTVALE SENIOR CLUB	20-01350	10/29/20	MONTVALE SR. CLUB INVOICE 2020	Open	3,430.86	0.00		
00114 CORBI PRINTING CO. INC.	20-01294	10/20/20	NOTICE PAPER & EXP CASE JACKET	Open	551.00	0.00		
00116 VERIZON	20-01368	11/03/20	651-285-414-0001-73 VERIZON	Open	287.22	0.00		
00125 NORTHWEST BERGEN REGIONAL	20-00137	01/22/20	2020 HEALTH SERVICES	Open	4,730.17	0.00		B
00128 ARROW TREE SERVICE INC.	20-01292	10/20/20	TREE REMOVAL	Open	1,980.00	0.00		
00186 PRIMEPAY, LLC	20-00037	01/07/20	2020 FSA FEES	Open	115.50	0.00		B
00247 MONTVALE FREE PUBLIC LIBRARY	20-00123	01/16/20	2020 QUARTERLY BUDGET PAYMENT	Open	37,055.50	0.00		B
00249 CLEARSPAN FABRIC STRUCTURES	20-00681	06/18/20	SALT SHED INSTALLATION	Open	78,764.00	0.00		B
00258 ROCKLAND ELECTRIC COMPANY	20-01391	11/09/20	ROCKLAND ELECTRIC - OCTOBER	Open	6,698.34	0.00		
00375 BOROUGH OF PARK RIDGE	20-01288	10/19/20	SENIOR VAN MAINTENANCE	Open	268.22	0.00		
00479 DRISCOLL'S LOCK & KEY	20-01161	09/22/20	COPY OF SHED KEY	Open	6.75	0.00		
	20-01353	10/30/20	TRAIN STATION EXTRA KEYES	Open	9.00	0.00		
					<u>15.75</u>			

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00554 BERGEN MUNI.EMPL.BENEFITS FUND	20-00127	01/22/20	2020 HEALTH BENEFITS	Open	58,435.00	0.00		B
00597 EXCELL CLINICAL LAB, INC.	20-01291	10/20/20	COVID-19 TESTING	Open	1,950.00	0.00		
00613 CAMPBELL EXTERIORS LLC.	20-01141	09/17/20	12 MERCEDES WINDOW LEAK	Open	675.00	0.00		
	20-01142	09/17/20	ROOF LEAK SENIOR BUILDING	Open	<u>535.00</u>	0.00		
					1,210.00			
00699 ATLANTIC TOMORROWS OFFICE	20-00440	04/20/20	2020 MAINTENANCE CONTRACT	Open	1,034.88	0.00		B
00730 BOGGIA & BOGGIA, ESQS.	20-00309	02/28/20	2020 LEGAL FEES	Open	13,427.00	0.00		B
00731 MASER CONSULTING P.A.	20-01073	09/02/20	AFFORDABLE HOUSING 2020 SVCS	Open	795.00	0.00		B
	20-01191	09/29/20	ESCROW PAYMENTS	Open	1,072.50	0.00		
	20-01282	10/19/20	ESCROW PAYMENTS	Open	4,607.50	0.00		
	20-01287	10/19/20	ESCROW PAYMENTS	Open	1,365.00	0.00		
	20-01300	10/21/20	ESCROW PAYMENTS	Open	<u>87.50</u>	0.00		
					7,927.50			
00769 URBAN AUTO SPA	20-01397	11/09/20	CAR WASH AND OIL CHANGE SVC.	Open	26.00	0.00		
00801 WESTPHAL WASTE SERVICES, INC.	20-01232	10/06/20	2020 GARBAGE COLLECTION	Open	65,833.33	0.00		B
00824 RELIANT FIRE HOSE TESTING INC.	20-01307	10/21/20	HOSE TEST	Open	3,082.20	0.00		
00825 NOTTINGHAM COURT LLC	20-01343	10/29/20	RENTAL ASSISTANCE PROGRAM	Open	100.00	0.00		
00840 STRATIS, ZITA	20-01370	11/03/20	REIMB NOTARY STAMP & SEAL	Open	108.75	0.00		
00842 LIN, GRACE	20-01415	11/13/20	OVERPAYMENT OF TAXES	Open	5,971.35	0.00		
00934 RIVER VALE TOWNSHIP	20-01301	10/21/20	RECYCLING REIMBURSEMENT	Open	37.60	0.00		
01042 MCMANIMON.SCOTLAND.BAUMANN LLC	20-01252	10/09/20	PROFESSIONAL SERVICES	Open	1,764.52	0.00		
01055 VALLEY HEALTH MEDICAL GROUP	20-01259	10/14/20	CROSSING GUARD EXAM	Open	135.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01063 SUMMIT RIDGE CONDOMINIUM	20-01206	10/02/20	2019 SNOW & STREET LIGHTING	Open	2,600.00	0.00		
01132 COOPERATIVE COMMUNICATIONS, INC	20-00185	01/30/20	201-391-5700 BORO PHONE 2020	Open	1,997.98	0.00		B
01134 RESERVE ACCOUNT	20-01298	10/21/20	POSTAGE MACHINE REFILL - NOV.	Open	800.00	0.00		
01156 DIRECT ENERGY BUSINESS	20-01396	11/09/20	DIRECT ENERGY BUSINESS-OCTOBER	Open	1,174.48	0.00		
01227 PIAZZA & ASSOCIATES, INC.	20-00471	04/30/20	AFFORDABLE HOUSING SVCS 2020	Open	2,020.55	0.00		B
01326 FIELDTURF USA, INC.	19-01797	12/31/19	ARTIFICIAL TURF / LA TRENTA	Open	173,565.00	0.00		B
01330 GHASSALI, MICHAEL	20-01392	11/09/20	ZOOM VIDEO COMM 11/6/2020	Open	186.56	0.00		
	20-01393	11/09/20	MAIL CHIP - OCTOBER 2020	Open	49.99	0.00		
					<u>236.55</u>			
01408 VALLEY VIEW AT MONTVALE COND.	20-01333	10/28/20	HOMEOWNER ASSOC FEE ASSISTANCE	Open	3,300.00	0.00		
	20-01339	10/29/20	HOMEOWNER ASSOC FEE ASSISTANCE	Open	150.00	0.00		
					<u>3,450.00</u>			
01471 RICCIARDELLA ELECTRIC INC.	20-01261	10/14/20	DAMAGED BALLAST IN BATHROOM	Open	816.35	0.00		
01594 GALLS, LLC	20-01237	10/07/20	TACTICAL PANTS	Open	152.44	0.00		
	20-01286	10/19/20	PD DET EVIDENCE BAGS	Open	139.98	0.00		
					<u>292.42</u>			
01743 CELLECTIS, INC.	20-01377	11/04/20	ESCROW REFUND	Open	132.00	0.00		
01752 DILAURI, RUSSEL	20-01372	11/03/20	REIMB CLOTHING ALLOWANCE	Open	641.56	0.00		
01760 UNITED PARCEL SERVICE	20-01409	11/12/20	UPS CHARGES - OCTOBER F047X6	Open	56.64	0.00		
01772 1ST CONSTITUTION BANK	20-01416	11/13/20	OVERPAYMENT OF TAXES	Open	5,766.99	0.00		
01828 CGP&H, LLC	20-00680	06/18/20	PROFESSIONAL HOUSING REHAB SVC	Open	262.80	0.00		B
01852 REDICARE LLC	20-01349	10/29/20	temperature scanners	Open	3,211.95	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type		
01886 MCGEE, HEATHER	20-01371	11/03/20	REIMB NOTARY STAMP & SEAL	Open	108.84	0.00				
01928 AUTOMATIC SUPPRESSION & ALARM	20-00917	07/24/20	FIRE ALARM SYSTEM SERVICE	Open	800.00	0.00				
01959 COLONNELLI BROTHERS INC.	20-01445	11/17/20	EMERGENCY REPAIRS-SEWER SYSTEM	Open	7,000.00	0.00		B		
02056 LERCH, VINCI & HIGGINS, LLP	20-01318	10/26/20	FINANCIAL SERVICES FY 2019	Open	887.12	0.00				
	20-01319	10/26/20	FINANCIAL SERVICES FY 2019	Open	2,100.00	0.00				
	20-01320	10/26/20	FINANCIAL SERVICES FY 2019	Open	1,500.00	0.00				
	20-01322	10/26/20	FINANCIAL SERVICES FY 2019	Open	6,300.00	0.00				
					<u>10,787.12</u>					
02300 IAROSSI-ALWAN, MAUREEN	20-01383	11/04/20	ZOOM MEETING	Open	133.25	0.00				
02408 MCDOWELL, DOUGLAS	20-01373	11/03/20	REIMB SPEED SIGN BATTERY	Open	82.07	0.00				
02426 VERIZON WIRELESS	20-01395	11/09/20	242317487-00001 VERIZON	Open	491.15	0.00				
02559 INS.DESIGN ADMINSTRATORS	20-00055	01/07/20	BOROUGH VISION PLAN	Open	217.00	0.00		B		
02757 TYCO ANIMAL CONTROL SERVICES	20-00143	01/23/20	2020 ANIMAL CONTROL	Open	1,030.00	0.00		B		
03084 WESLEY SICOMAC DAIRY	20-00099	01/14/20	2020 MILK DELIVERY	Open	51.78	0.00		B		
03727 STAPLES INC	20-01281	10/19/20	office Supplies	Open	218.66	0.00				
<hr/>										
Total Purchase Orders:		71	Total P.O. Line Items:		0	Total List Amount:		578,961.92	Total Void Amount:	0.00

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND 2020	0-01	373,991.95	0.00	373,991.95	0.00	0.00	373,991.95
CURRENT FUND 2019	9-01	191,077.12	0.00	191,077.12	0.00	0.00	191,077.12
BOA ESCROW ACCOUN	E-08	7,264.50	0.00	7,264.50	0.00	0.00	7,264.50
OTHER TRUST ACCOU	T-03	6,628.35	0.00	6,628.35	0.00	0.00	6,628.35
Total of All Funds:		<u>578,961.92</u>	<u>0.00</u>	<u>578,961.92</u>	<u>0.00</u>	<u>0.00</u>	<u>578,961.92</u>