

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:30 pm. 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
Councilmember Curry	Councilmember Roche
Councilmember Koelling	Councilmember Russo-Vogelsang

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

This meeting was held teleconference by Zoom.

PUBLIC HEARING Submission of a 2020 Bergen County Municipal Park Improvement Grant Program:

Bergen County Municipal Park Improvement Grant Program: LaTrenta Field Parking Lot and ADA Improvements Project – 158-175 Chestnut Ridge Rd

Municipal Clerk stated that this was advertised in the Bergen Record on May 29 as required by law. This is a grant offered through Bergen County Parks Program for improvements to LaTrenta Field parking lot. The Borough Engineer further explained that currently LaTrenta Field turf is being replaced through a grant received last year. This grant will repave the parking lot and add handicap accessible walkways and parking. Estimated price of the project is \$482,000, we are applying for a grant of \$241,000 and the borough will pay the balance. Councilmember Roche asked for clarification on the address stating its Chestnut Ridge Road. The Engineer stated that the grant application requires an address and that is the official address. No crosswalks are being done on Chestnut Ridge Road.

HEARING: OPEN TO THE PUBLIC:

(Grant Application Only)

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

Jarret Schumacher

If funding does not go through, what happens to the project? Mr. Hipolit stated the borough is not committed to do the project.

HEARING: CLOSE MEETING TO THE PUBLIC:

(Grant Application Only)

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

RESOLUTIONS:

101-2020 Bergen County 2020 Municipal Park Improvement Grant Program / LaTrenta Field Complex Parking Lot and ADA Improvement

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“County Trust Fund”), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and,

WHEREAS, the Borough of Montvale desires to further the public interest by obtaining a matching grant of **\$241,000.00** from the County Trust Fund to fund the following project: **La Trenta Field Complex Parking Lot and ADA Improvement Project**; and,

WHEREAS, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions, and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the governing body/board received held the required Public Hearing to receive public comments on the proposed park improvements in the application on June 9, 2020; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date.

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

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of **June 29th, 2020**, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, Mayor and Council of the Borough of Montvale has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That Mayor and Council of the Borough of Montvale is committed to providing a dollar for dollar cash match for the project; and,
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That Mayor and Council of the Borough of Montvale agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That this resolution shall take effect immediately.

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

ORDINANCES:

INTRODUCTION OF ORDINANCE NO. 2020-1483 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 109, “STREETS AND SIDEWALKS,” TO REQUIRE THE UTILIZATION OF MONTVALE POLICE OFFICERS FOR TRAFFIC CONTROL PURPOSES

(public hearing 6/30/20)

A motion to Introduce Ordinance **2020-1483** 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 Ridgewood News; seconded by Councilmember Koelling - A roll call was taken – all ayes

Councilmember Curry asked for clarification about what was done in the past?? The Borough Attorney stated that this ordinance gives the borough more control to have police officers directing traffic rather than flag men.

MEETING OPEN TO PUBLIC:

Agenda Items Only

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

Carolee Adams

Regarding Resolution 109 it states family units, is there an age restriction?? The Borough Attorney stated that there are no age restricted units; mentioned that the minutes of May 26, 2020 were not included in the public packet on the website.

Jarret Schumacher

Regarding Resolution 109 what does this do? Does it remove the senior restriction from the previous housing agreement? The Borough Attorney explained that this will establish an agreement between the borough and Walters Group to obtain the property if they receive funding through the DCA.

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

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

May 26, 2020

It was brought to our attention that the minutes were not included in the public packet that was on the website, therefore, these minutes will be held for approval to the June 30 meeting.

CLOSED/EXECUTIVE MINUTES:

None

RESOLUTIONS: (CONSENT AGENDA*)

All items listed on a consent agenda are considered to be routine and non-controversial by the Borough Council and will be approved by a motion, seconded and a roll call vote. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

102-2020 A Resolution Awarding a Professional Services Contract to Community Grants, Planning Housing (“CGP&H”) for Professional Housing Rehabilitation Services

WHEREAS, the Borough of Montvale has a need to procure professional services to administer the Borough of Montvale’s rehabilitation program related to its ongoing affordable housing obligations; and

WHEREAS, the Borough of Montvale has received a proposal dated July 25, 2020 (the “Proposal”) from Community Grants, Planning & Housing (“CGP&H”) to provide the necessary services to the Borough; and

WHEREAS, the funding for said contract shall come from the Borough’s Affordable Housing Trust Fund; and

WHEREAS, the Borough is desirous of awarding this contract to CGP&H in accordance with the terms set forth in the Proposal, subject to approval and execution of a formal contract acceptable to the Borough; and

WHEREAS, because the value of this contract is anticipated to be in excess of \$15,000 (the Borough’s pay-to-play threshold), this contract has been awarded under the “alternative process” pursuant to *N.J.S.A. 19:44A-20.4 et seq.* (the “Pay-to-Play Law”), and has been awarded to the contractor based upon the merits and abilities of the contractor to provide the services necessary; and

WHEREAS, because this contract has been awarded under the “alternative process,” CGP&H has completed and submitted a Business Entity Disclosure Certification which certifies that CGP&H has not made any reportable contributions (\$300 or more) to a political or candidate committee in the Borough of Montvale with the elected officials in the previous one year, and that the contract will prohibit CGP&H from making any reportable contributions (\$300 or more) through the term of the contract; and

WHEREAS, the *Local Public Contracts Law, N.J.S.A. 40A:11-5*, requires the resolution authorizing the award of contracts for professional services without competitive bids and the contract itself to be made available for public inspection; and

WHEREAS, pursuant to *N.J.S.A. 40A:11-5*, public notice of this contract award shall be published in the official newspaper of the Borough in accordance with applicable law; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that a professional services contract is hereby awarded for housing rehabilitation services in accordance with the terms and conditions set forth in the Proposal, as follows:

Contractor:

CGP&H
101 Interchange Plaza, Suite 301
Cranbury, New Jersey 08512

In the amount of:

Ongoing Day-to-Day Administration:	\$111/hour, NTE \$5,000/year
Shared Services:	\$87/month
Case Management:	\$111/hour
Title Search Fee:	\$90/property
Direct Costs:	Reimbursement, NTE \$200/year
Subordination Requests:	\$175 flat fee paid by homeowner
Total Not-To-Exceed for 12 months:	\$16,970

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

BE IT FURTHER RESOLVED that the Borough Clerk shall publish notice of this contract award in the official newspaper of the Borough, in accordance with *N.J.S.A. 40A:11-5*.

103-2020 Award Professional Service Contract/Engineering Services/2020 Bergen County Municipal Program Park Improvement Grant Application/LaTrenta Field Parking Lot, ADA Access Improvements

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide professional services to prepared a declaration of Intent To apply and all other related requirements for the submission of the 2020 Bergen County Municipal Park Open Space Grant Application to be submitted for Block 1001/Lot 4 158-175 Chestnut Ridge Road, Montvale, NJ / LaTrenta Field Complex;

WHEREAS, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

WHEREAS, Maser Consulting, 200 Valley Road, Suite 304, Mt. Arlington, NJ 07856 has submitted a proposal dated May 7, 2020 to provide the engineering services for services which are detailed and attached to the original of this resolution, and

WHEREAS, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

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

- 1) That the proposal for the scope of engineering services is attached to this resolution which is made part of this resolution shall be awarded to Maser Consulting.
- 2) That the following be provided: Declaration of Intent To Apply/Application Requirements For 2020 BC Municipal Program Park Improvement Grant Application
- 3) The cost not to exceed shall be \$5,000.00 The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

BE IT FURTHER RESOLVED, that a copy of this resolution be published an official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Municipal Clerk, Municipal Complex, 12 Mercedes Drive, Montvale, NJ 07645.

104-2020 Authorize Refunds of Recreational Programs

BE IT RESOLVED, the attached listing is hereby granted refunds for various programs for online on-line registrations and paper registration.

105-2020 A Resolution Awarding a Contract to Cifelli & Son, Inc. for the Montvale Various Streets – 2019 Contract in the Borough of Montvale

WHEREAS, the Borough of Montvale has a need to procure construction services for certain road work on various streets in the Borough; and

WHEREAS, the Borough of Montvale, in accordance with the laws of the State of New Jersey, publicly advertised for the receipt of bids under specifications for Various Streets – 2019 – Montvale; and

WHEREAS, ten (10) bids were received on Friday, May 29, 2020; and

WHEREAS, after receipt and review of the three (3) lowest bids received, the Borough of Montvale has determined that Cifelli & Son, Inc. is the lowest responsible bidder for this contract, for the Base Bid plus Alternate "A"; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds have been appropriated and are available for this purpose, a copy of said certification attached to the original copy of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that a contract is hereby awarded as follows:

Contractor

Cifelli & Son, Inc.
81 Franklin Avenue
Nutley, New Jersey 07110

Contract Amount

Base:	\$208,754.25
<u>Alternate "A":</u>	<u>\$41,104.00</u>
TOTAL:	\$249,858.25

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute all documents necessary to effectuate the purposes of this Resolution, consistent with the Borough's bid specifications and applicable law, subject to approval as to form by the Borough Attorney.

106-2020 A Resolution Awarding a Contract to DLS Contracting, Inc. for the Montvale 2020 Roadway Improvements Program in the Borough of Montvale

WHEREAS, the Borough of Montvale has a need to procure construction services for the 2020 Roadway Improvements Program in the Borough; and

WHEREAS, the Borough of Montvale, in accordance with the laws of the State of New Jersey, publicly advertised for the receipt of bids under specifications for the 2020 Roadway Improvements Program; and

WHEREAS, eight (8) bids were received on Friday, May 29, 2020; and

WHEREAS, after receipt and review of the three (3) lowest bids received, the Borough of Montvale has determined that DLS Contracting, Inc. is the lowest responsible bidder for this contract, for the Base Bid plus Alternate "A"; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds have been appropriated and are available for this purpose, a copy of said certification attached to the original copy of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that a contract is hereby awarded as follows:

Contractor

DLS Contracting, Inc.
271 US Highway 46, Ste D-205
Fairfield, New Jersey 07004

Contract Amount

Base:	\$721,866.25
<u>Alternate "A":</u>	<u>\$43,600.00</u>
TOTAL:	\$765,466.25

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute all documents necessary to effectuate the purposes of this Resolution, consistent with the Borough's bid specifications and applicable law, subject to approval as to form by the Borough Attorney.

107-2020 Award Contract Installation/Salt Shed/ClearSpan

WHEREAS, the Borough of Montvale did twice publicly advertise for bids for the project entitled "Salt Shed Installation"; and

WHEREAS, in response to the first solicitation, two (2) bids were received, with the lowest bid being \$131,925.00; and

WHEREAS, the Borough did reject all bids and authorize a re-bid, due to all bids being unreasonable as to price based upon the engineer's estimate for this work; and

WHEREAS, in response to the second solicitation, three (3) bids were received, with the lowest bid being \$98,000.00, which was also deemed to be unreasonable as to price based upon the engineer's estimate for this work; and

WHEREAS, the Borough of Montvale therefore twice solicited public bids for this project, without receiving any bids that were reasonable as to price based upon the engineer’s estimate for this work; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(3), after two unsuccessful attempts at obtaining reasonably-priced bids under a public bidding process, municipalities are authorized and empowered to negotiate and award a contract subject to certain requirements set forth in the applicable statute; and

WHEREAS, the Borough Engineer requested that the Governing Body authorize a negotiated procurement process for this project, subject to approval of any contract by adoption of a resolution of two-thirds of the full membership of the Governing Body; and

WHEREAS, the Governing Body did authorize the Borough Engineer to solicit and negotiate a potential contract for this project with the assistance of the Borough Attorney; and

WHEREAS, the Borough Engineer did conduct negotiations with all interested vendors in accordance with N.J.S.A. 40A:11-5(3); and

WHEREAS, as a result of said negotiations, the lowest price submitted for this scope of work was submitted by ClearSpan in the amount of \$75,504.00, which proposal is within the Borough Engineer’s estimate and the funds appropriated and available for this project; and

WHEREAS, the same or equivalent services do not appear to be available through any of the alternative sources set forth in N.J.S.A. 40A:11-5(3)(i); and

WHEREAS, this contract is being awarded upon substantially the same terms and conditions of the original two (2) public procurements, in compliance with N.J.S.A. 40A:11-5(3)(ii); and

WHEREAS, the Borough Engineer has recommended that the Governing Body award this contract to ClearSpan; and

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

NOW, THEREFORE, BE IT RESOLVED by a two-thirds affirmative vote of the authorized membership of the Governing Body, that a contract for the above-referenced procurement is hereby awarded, subject to the Contractor’s provision of the appropriate bonds, proof of insurance and other required documentation, as follows:

Contractor	Amount
ClearSpan 703 Hebron Avenue, Floor 3 Glastonbury, Connecticut 06033	\$75,504.00

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

109-2020 A Resolution Approving a Development and Property Transfer Agreement with The Walters Group in Connection with a Twenty-Five Unit Multi-Family 100% Affordable Housing Project on Block 1002, Lots 3 and 5 in the Borough of Montvale

WHEREAS, on March 10, 2015, the Supreme Court of the State of New Jersey issued a decision In The Matter Of The Adoption Of N.J.A.C. 5:96 And 5:97 By The New Jersey Council On Affordable Housing, 221 N.J. 1 (2015), in which it found that because COAH failed to adopt the new Round 3 regulations, the Court directed trial courts to assume COAH’s functions to assure that each municipality has in place a plan to fulfill its obligation to provide affordable housing pursuant to COAH’s rules and regulations as described in N.J.A.C. 5:93-5.8; and

WHEREAS, the Borough of Montvale (“Borough”) is the owner of that certain land and premises located on Summit Avenue in Montvale, Bergen County New Jersey consisting of approximately 3.3 acres and identified on the municipal tax map as Lots 3 and 5, Block 1002 on the official Tax Map of the Borough of Montvale, County of Bergen, State of New Jersey (the “Premises”); and

WHEREAS, the Premises is intended to be utilized to address, in part, the Borough’s obligation to provide its fair share of the region’s affordable housing need in accordance with what is commonly referred to as the “Mount Laurel Doctrine”; and

WHEREAS, the Premises is identified in the Settlement Agreement by and between the Borough and Fair Share Housing Center dated November 14, 2017 and amended by First Amendment to the Settlement Agreement dated November 28, 2017 (collectively the “Settlement Agreement”) as a municipally sponsored site for a 100% affordable rental community; and

WHEREAS, after a “fairness hearing” on January 25, 2018, the Superior Court of New Jersey executed an Order Approving Settlement Agreement between the Borough of Montvale and Fair Share Housing Center dated February 12, 2018, approving the Settlement Agreement; and

WHEREAS, the Premises is also identified in the Borough’s Fair Share Plan as the site for the development of a 100% affordable rental community; and

WHEREAS, The Walters Group (“Developer”), with offices at 21 East Euclid Avenue, Suite 200, Haddonfield, New Jersey 08033, proposes to construct a twenty-five (25) unit residential family apartment housing project (“Project”) pursuant to the provisions of the State of New Jersey Department of Community Affairs Affordable Housing Trust Fund Program in accordance with the Program Guidelines and Procedures, the Neighborhood Preservation Balanced Housing Rules, N.J.A.C. 5.43-1.1 et seq., and the mortgage and other financing documents executed between the Sponsor and the DCA, or any other DCA programs applicable, with funding in an amount not to exceed the maximum allowed in accordance with N.J.A.C. 5:43-1.1 et seq., within the Borough of Montvale on a sufficient portion of the Premises; and

WHEREAS, the Developer is an experienced developer, operator and administrator of affordable rental housing with on-site supportive social services and has expressed interest in constructing, owning, operating and maintaining affordable income-restricted family rental housing with supportive services in the Borough to assist the Borough in addressing its third round affordable housing obligation more specifically described in the Settlement Agreement; and

WHEREAS, it is in the best interests of the Borough that the Premises be developed for the construction of a 25-unit 100% income-restricted affordable rental family housing community by the Developer; and

WHEREAS, the Borough and the Developer wish to enter into a formal agreement establishing the terms and conditions under which the Premises will be conveyed to and then developed for family affordable rental housing by the Developer; and

WHEREAS, subject to and in accordance with the terms and conditions set forth in a negotiated Development and Property Transfer Agreement (the “Agreement”), a copy of which is on file with the Borough Clerk, the Borough has agreed to convey the Premises to the Developer for the sole purpose of developing, constructing, owning and managing thereon a 100% affordable 25-unit family rental community.

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

1. The above recitals are incorporated as if set forth herein at length.
2. The Mayor and Borough Clerk are hereby directed, authorized and empowered to execute the Development and Property Transfer Agreement with The Walters Group in substantially the form on file with the Borough Clerk, subject to approval as to form by the Borough Attorney, Borough Planner, and Special Affordable Housing Counsel.
3. The Borough Attorney, Borough Planner, Special Affordable Housing Counsel, and all other appropriate employees, officers and officials are hereby directed, authorized and empowered to take all steps reasonably necessary to effectuate the provisions and purposes of this Resolution.

4. The Borough does hereby support the submission by The Walters Groups of an application for funding through the New Jersey Department of Community Affairs, New Jersey Affordable Housing Trust Fund Program, and does further acknowledge that the Project is located in an eligible municipality in accordance with N.J.A.C. 5:43-1.3(a).
5. This Resolution shall take effect immediately.

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

108-2020 A Resolution 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 October 31, 2020
 - 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 October 31, 2020.
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 October 31, 2020.
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.

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

Mayor Ghassali explained that the Governor is allowing outdoor dining starting Monday, June 15; there are 27 food establishments in the borough. For the past few weeks, borough officials have been working together with these food establishments to give us a plan for outdoor seating. Councilmember Roche asked what about lights under the tents; the borough attorney stated that if each establishment would like lighting then they can go through the building department; Councilmember Curry asked if the Board of Health was included in these discussions, Mayor Ghassali said yes.

BILLS: Municipal Clerk read the Bill Report

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

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

COMMITTEE REPORTS:

Council President Arendacs

Engineering

Preconstruction meeting for Edgren Way is this Thursday and paving will be completed in July; a preconstruction meeting for the 2020 Road Improvement program is also this Thursday and paving will be completed in August; LaTrenta Field turf installation will begin next week to be completed by September; Salt Shed installation to begin in July.

DPW

Shredding Day hosted by RiverVale will be held on June 13 from 9am-1pm at RiverVale

Councilmember Koelling

Police

Monthly report included in original minutes

Councilmember Russo-Vogelsang

No meetings were held, due to Covid-19, therefore, No Report

Councilmember Roche

Environmental Commission

Still waiting for DEP approval; spoke with 3 out the 4 neighbors on Bayberry all in favor of some type of 6 foot vinyl fencing to shield them along the Pascack Trail; plastic bag program is currently on hold;

Recreation

Waiting for guidelines to see how to proceed with camp; hoping to have drive in movies;

Councilmember Curry

Website

Please contact Rose Curry at rcurry@montvaleboro.org or Carol Manhart at cmanhart@montvaleboro.org

Planning Board

Property on 26 N Kinderkamack Road has been approved; City MD was approved and will be moving into the DePiero site;

TV Access

New interviews will be airing in the coming weeks

Councilmember Lane

Fire Dept

14 fire calls; 5 Haz Mat calls; participated in the Memorial Day service;

Finance

Interviewed for My Montvale about the budget

MAYOR

Some updates regarding Covid-19:

Golf courses will return to normal; for religious institutions up to 50 people allowed; starting July 6 up 500 people are allowed outdoors in one area; library will have curbside pickup and are waiting for further guidelines; no dates for the opening of gyms; A committee has been formed consisting of parents, students and Councilmember Russo-Vogelsang to discuss graduation ceremony in July; Mayor's charity fund has received approximately \$4,000 in donations, this will be used for Montvale residents only; you can have a block party in July up to 500 people, will have to get a permit to close the street; you can have a garage sale, need to apply for permit;

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

Preconstruction meeting will be held Thursday for both the road program and Edgren Way with a start date of July 7 to be completed by September; Salt Shed will start construction in July; LaTrenta field turf installation will begin next week and will take up to 60 days;

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

No Report

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

COMMUNICATION CORRESPONDENCE:

None

MEETING OPEN TO THE PUBLIC:

HEARING OF CITIZENS WHO WISH TO ADDRESS THE MAYOR AND COUNCIL:

Upon recognition by the Mayor, the person shall proceed to the floor and give his/her name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he/she shall limit his/her statement to five (5) minutes. Statements shall be addressed to the Council as a body and not to any member thereof. No person, other than the person having the floor, shall be permitted to enter into any discussion, without recognition by the Mayor.

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

Carolee Adams

Chamber of Commerce has established the week of August 2 as restaurant week for pickup and curbside, limited to Montvale resident only; thank you to all that participated in the birthday parades, especially Lt. Foley who put it all together; Frank DiPalma and Nick Bolt who established the Astronomy Club was contacted by a Montvale resident to present a seminar to some special needs adults; Tri-Boro ambulance was not aware of CityMD moving into Montvale, Mrs. Adams went on by saying with all the new development in the surrounding area, that she encouraged that Tri-Boro should to be notified of such; Mayor Ghassali stated that he spoke to the Chairman of the Planning Board and its members and going forward they will include Tri-Boro in the review process; also, the Mayor will speak with CityMD to mention that they will have to provide their own ambulance service when the need arises.

Riley Solomon

She represents the Gay Straight Alliance Club at the high school; June is Pride month and various Bergen County towns have Pride Flags; last year the GSA came to 4 council meetings and was turned down; they will keep fighting; Mayor Ghassali stated that the electronic board shows that June is Pride month.

Jarret Schumacher

Would like to echo Riley's statement; there were discussions last year about meeting with a group and having events about diversity and inclusivity; ask the Mayor for a commitment to start a dialogue; Mr. Schumacher is willing to be part of the discussions. Asked for clarification regarding swimming pools, in the Borough Code, it states that a pool under 3 feet in height requires fencing; the Borough Attorney and Engineer stated it might be a State requirement but to check with the Construction Code official;

Carol Loscalzo

Asked the Mayor for an update regarding the Pride Flag; Mayor Ghassali stated that it will be on the electronic sign; He also suggested to form a committee to have forums and discussions; Mrs. Loscalzo would still like to see the Pride Flag displayed on a public building in Montvale; Mayor Ghassali stated that it was the sentiment of the councilmembers that they only flag flown on public buildings will be the American Flag;

Carolee Adams

Edgewater Country Club will be having July 4 fireworks; encouraged people to have patience with curbside pickups at restaurants; thankful for having outdoor church services; asked Mayor Ghassali that when speaking with the Governor could you mention about being able to go the hospital to see love ones.

Mayor Ghassali mentioned a text question he received about the fire siren going off during the day is interrupting some residents while working from home; Councilmember Lane stated that the firefighters are also working from home and use the sirens as a means of communication. Councilmember Lane encouraged residents to have forbearance and to put up with it;

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

ADJOURNMENT:

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

Meeting adjourned at 8:39pm

ADJOURNMENT:

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

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk