

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held virtually by Zoom and also held in the Council Chambers and called to order at 7:30PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Master Sergeant Dieter Koelling led the Pledge of Allegiance to the Flag, and roll call was taken.

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting was provided to The Bergen Record 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 - absent
Councilmember Koelling

Councilmember Lane
Councilmember Roche
Councilmember Russo-Vogelsang

ORDINANCES:

None

MEETING OPEN TO PUBLIC:

Agenda Items Only

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

NO PUBLIC COMMENT

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

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:**February 23, 2021**

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

CLOSED/EXECUTIVE MINUTES:

None

RESOLUTIONS: (CONSENT AGENDA*)

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

63-2021 Refund Tax Overpayments / Various Parcels

WHEREAS, a resolution authorizing the Borough of Montvale to refund an overpayment of taxes for the first quarter installment of 2021; and

WHEREAS, a duplicate payment was made by the mortgage company and/or bank; 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:

Elizabeth Ann Kera, 12 Clover Court, Montvale, NJ in the amount of \$2,641.00
Steven Frischer, 14 John Street, Montvale, NJ in the amount of \$2,424.00
Gene Wise, 11 Franklin Ave., Montvale, NJ in the amount of \$2,570.00
John Gallagher, 6 Terry Court, Montvale, NJ in the amount of \$2,682.00
Neil Barrett, 2 Cherokee Trail, Montvale, NJ in the amount of \$4,553.00
William Brown, 8 Quail Ridge Road, Montvale, NJ in the amount of \$5,154.00

64-2021 A Resolution Approving a Change Order to an Agreement for Certain Remediation and Investigation Services Performed by Maser Consulting in Connection with the Purchase of Certain Real Property Located at 25 West Grand Avenue, Montvale, New Jersey

WHEREAS, the Borough of Montvale previously entered into a contract for the purchase of certain real property known as 25 West Grand Avenue, Montvale, New Jersey; and

WHEREAS, due to the results of certain due diligence activities, it was necessary for the property owners to engage Maser Consulting, Inc. to perform certain remediation and investigation services related to underground tanks and related soil sampling, which scope of work was set forth in a proposal dated February 4, 2020, which was approved by the Borough; and

WHEREAS, the services necessitated were more extensive than originally proposed; and

WHEREAS, the Borough would like to formally ratify and approve Maser's performance of this additional work and to authorize a Change Order in the total amount of \$4,356.19; 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 and ratify Maser's performance of the additional work performed beyond the amount estimated in Maser's February 4, 2020 Proposal; and

BE IT FURTHER RESOLVED that the Borough does hereby authorize a Change Order to the Agreement with Maser in the total amount of \$4,356.19.

65-2021 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 Consistent with New State Law

WHEREAS, as a result of the hardships imposed by the COVID-19 pandemic, the Borough of Montvale previously adopted a procedure to temporarily allow outdoor dining for restaurants, bars and other establishments; and

WHEREAS, the State of New Jersey has finally adopted State-wide standards governing same; and

WHEREAS, the Borough of Montvale desires to amend its procedures to be consistent with State Law and to assist businesses during this difficult time due to the COVID-19 pandemic and to allow for additional outdoor seating on a temporary basis; and

WHEREAS, in order to assist restaurants, bars and other establishments, and the public, to understand the new requirements, those requirements that are underlined in the resolution below are new requirements not previously included in the Borough's application procedures.

NOW, THEREFORE, BE IT RESOLVED that effective immediately, 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 any proposed public sidewalks that may be utilized, proposed table set-up, seating capacity and the location and size of any tents, fencing, barriers, canopies, umbrellas, chairs and other fixtures, etc. The Outdoor Seating Area may not encumber more than 75% of a parking lot unless said lot contains less than 8 total spaces. At least one handicapped space must remain in all cases.
 - 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, control of litter, removal and storage of garbage, and cleaning of fixtures and grounds) 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 protocols promulgated by the Commissioner of Health or Executive Order of the Governor in response to the COVID-19 public health emergency, concerning social distancing and use of personal protective equipment, and SR-2020-10 issued by the Department of Law and Public Safety, Division of Alcoholic Beverage Control.
 - g. Proof of general liability insurance covering the proposed Outdoor Seating Area and the use of the property for outdoor dining in the minimum amount of \$1,000,000 and a certificate naming the Borough of Montvale as an additional insured.
 - 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 or variance 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 the later date of November 30, 2022, or the date on which indoor dining without capacity limitations is resumed by executive order of the Governor.
 - 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. All fees applicable to the approval of tents shall be waived.
 - 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.

- k. An executed indemnification agreement in favor of the Borough of Montvale with respect to losses arising solely from the operation of 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 as per the Borough Code.
10. Applicants seeking to utilize public sidewalks shall be subject to the following conditions:
 - a. A walking path of not less than four feet wide must be maintained on the public sidewalk at all times so as not to obstruct pedestrian traffic;
 - b. All fixtures must be removed from public sidewalks at the conclusion of each day; and
 - c. The Borough reserves the right to order the temporary suspension of outdoor dining and the removal of all fixtures from public sidewalks due to road or utility construction, predicted high winds or severe weather, predicted snow or ice storms, the need to remove snow or ice from the sidewalks, or any other public emergency that may arise.

11. All Permits issued pursuant to this Resolution and procedure shall terminate on the later date of November 30, 2022, or the date on which indoor dining without capacity limitations is resumed by executive order of the Governor.
12. Nothing in this Resolution or in the issuance of any Permit pursuant to this Resolution shall be considered a land use approval or a variance 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 the later date of November 30, 2022, or the date on which indoor dining without capacity limitations is resumed by executive order of the Governor.
13. All Applicants seeking approval of permanent outdoor seating areas shall apply to the Planning Board in accordance with existing procedures.
14. All Applications shall be either approved or denied within fifteen (15) days of the submission of a complete application. Any denial shall set forth the basis for such denial which must be based upon current violations of any other health, safety, fire, permitted use, or zoning regulation, or upon any applicable law permitting the denial of a zoning permit, which is not otherwise directly superseded by State Law. An appeal of the denial of a Permit shall be filed with the Borough Clerk. The Governing Body (or its designee, which may be either a municipal official or a licensed attorney) shall conduct a hearing and render a decision within thirty (30) days of the filing of an appeal.

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

62-2021 Authorize 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 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 February 11, 2021 for Aram Bedrosian. Mr. Bedrosian is the owner of 5 Meadow Lane, Block 2501, Lot 17.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to cancel all future taxes as per the above.

Introduced by: Councilmember Lane; seconded by Councilmember Arendacs - a roll call was taken
- all ayes with the exception of Councilmember Koelling abstaining

BILLS: Municipal Clerk read the Bill Report.

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

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

COMMITTEE REPORTS:

Council President Lane

Fire Dept

28 fire calls; 2 drills; 1 Chief call; 5 extra credits. Passing of John Wirth, a longtime member of Montvale and Park Ridge Fire departments, as well as our Fire Official and Bailiff. The department is appreciative to the council on their budget.

Diversity Committee

February was Black History month; March, the committee will be having a walking event in honor of Woman's History month; coming up the committee will be recognizing Ramadan.

Finance

The budget process is completed and we will be adopting in May.

Councilmember Roche**MAL**

Spring Coach background checks, all coaches **must** fully complete a criminal history background check **before** they can begin coaching for the Spring season. Please email backgroundchecks@montvaleboro.org for instructions on how to do so.

Special Events/Recreation

Recreation is currently seeking adult or high school volunteers to assist in the planning and coordinating of Montvale's annual events such as Day In The Park, the Halloween Carnival, the Christmas Tree Lighting, the Spring Fling and more! Join the Special Events Committee today to be a part of keeping these events successful, memorable and a tradition for Montvale. Please call 201-391-5700 ext. 251 or email MontvaleRecreation@montvaleboro.org for more information.

The committee is currently working on setting dates for 2021's community events. The committee is tentatively planning for outdoor movie nights, a fishing tournament, Day in the Park, the Halloween Carnival, the Christmas Tree Lighting and the Menorah Lighting Ceremony.

Field Use

Applications and Hold Harmless forms must be completed and returned to the Recreation Department, Attn: Lisa Dent, with Liability Insurance and payment. Forms are available online and at the Borough Hall front counter. Permits will be given according to availability and are not finalized until you receive email confirmation of available dates from Lisa Dent.

Environmental Commission

Hoping for a start date of next week to begin the dredging of Huff Pond, weather permitting, with a completion date of May; received second Trex bench from the plastic bag program; currently 900 pounds have collected so far; the State ban on plastic bags goes into effect the end of this year. Montvale clean-up day is scheduled April 10th from 9-12, meet at the Red shed. The committee is looking for an additional member, if anyone is interested, please reach out to Bob Hanrahan.

Councilmember Arendacs**DPW**

The DPW should be commended on a great job with the snow removal; during the series of snow storms, we had some salt issues, but with the help of the Mayor, DPW Superintendent and Assemblywoman Holly Schepisi, Montvale was able to get the salt supplies they needed. Street sweeping has started along with pot hole repairs. Please reach out to Councilmember Arendacs or borough hall with any concerns you may have.

Engineering

Bocce court bids will go out soon;

Councilmember Koelling**Police**

Monthly report included in original minutes;

Board of Health

Northwest Regional will be receiving 200 vaccines and is working on a plan for distribution; CVS has vaccines; CDC has lifted some restrictions;

Councilmember Russo-Vogelsang

Construction

Busy with Toll Brothers, Thrive and Mercedes projects; 5 property maintenance violations and 4 summons were issued, 3 were abated.

Local BOE

Moving forward to phase II by April 19 with all students in school.

Working on the COVID vaccine initiative with the help of resident Lisa Ledger to help seniors and qualified residents get vaccine appointments.

MAYOR

On March 3rd we had a special meeting on the traffic report for the Schoolhouse Road development and how the traffic will impact Montvale. We are starting a dialogue with all the parties involved. March 20 we will be having a walk to celebrate Woman's History month at 10am at borough hall. In April the first office building on the Mercedes site will be opened, now called the North Market. We are working with the engineers on the intersection of Grand Ave and Mercedes.

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

Will be going out to bid for the Bocce Ball courts; working with the Police dept and the County in regards to the intersection of Grand and Mercedes making the left turn; The County is preparing to go out for bids on the Magnolia Bridge

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

No Report

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Mayor Ghassali asked the borough attorney when do we have to change the ordinance regarding the marijuana legislation, the attorney stated mid-August. Mayor Ghassali would like to hold a special town hall meeting on this topic sometime in April.

Mayor Ghassali stated that the basketball courts inside the schools have limited access due to COVID, there is a travel team that would like to use the basketball courts on Memorial Drive, councilmembers all agreed.

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, 15 Terry Court

Talk more about the clean up behind her house; Mayor Ghassali asked for her phone and will speak tomorrow; since the pickle ball courts are open there seems to be more public urination going on.

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 8:10pm

Next Meeting of the Mayor & Council will be on March 30, 2021 at 7:30pm

BUDGET INFORMATION

Introduction: March 30, 2021 / May 11, 2021 Adoption – Public Hearing (Budget Presentation)

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk