

**MINUTES  
WORK SESSION**

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:37PM. Adequate notice 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 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  
*Vacancy*  
Councilmember Koelling

Councilmember Lane  
Councilmember Roche  
Councilmember Russo-Vogelsang

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

**ORDINANCES:**

**INTRODUCTION ORDINANCE NO 2021-1512** AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, CHANGING THE NAME OF MERCEDES DRIVE TO "DEPIERO DRIVE," AND CHANGING THE NAME OF THE INTERNAL ROADWAY ON BLOCK 2801 LOT 1 TO "MERCEDES DRIVE," PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A. 40:67-1(K)  
(Public Hearing December 16, 2021)

A motion to Introduce Ordinance **2021-1512** for first reading was made by Councilmember Koelling; 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 Roche - a roll call was taken – all ayes

**INTRODUCTION ORDINANCE NO 2021-1513** AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 400, "ZONING," TO REZONE BLOCK 1002, LOT 7 AS A NEW "AH-6-AR" ZONING DISTRICT AND ESTABLISHING THE ZONING REGULATIONS FOR SAID DISTRICT INCLUDING IMPLEMENTING AN AGE RESTRICTION CONSISTENT WITH THE BOROUGH'S AFFORDABLE HOUSING COURT-APPROVED SETTLEMENT AND JUDGMENT OF COMPLIANCE AND REPOSE  
(Public Hearing December 16, 2021)

A motion to Introduce Ordinance **2021-1513** for first reading was made by Councilmember Koelling; 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 Russo-Vogelsang - a roll call was taken – all ayes

**MINUTES:****October 26, 2021**

A motion to accept minutes by Councilmember Lane; seconded by Councilmember Russo-Vogelsang – all ayes with the exception of Councilmember Arendacs abstaining

**November 9, 2021**

A motion to accept minutes by Councilmember Lane; seconded by Councilmember Russo-Vogelsang – all ayes with the exception of Councilmember Arendacs abstaining

**CLOSED/EXECUTIVE MINUTES:****October 26, 2021**

A motion to accept closed session minutes by Councilmember Lane; seconded by Councilmember Russo-Vogelsang – all ayes with the exception of Councilmember Arendacs abstaining

**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.

**166-2021 Resolution authorizing the sale of surplus Borough property no longer needed for public use through GOVDEALS.COM public online auction.**

**WHEREAS**, the Borough of Montvale has determined that certain property described and incorporated herein is no longer needed for public use; and

**WHEREAS**, the Borough of Montvale intends to utilize the online auction services of GovDeals public online auction, pursuant to Sourcwell Cooperative Purchasing #27887 Online Surplus Auctions & Payment Processing Contract at GovDeals.com. (The terms and conditions of the agreement entered into with GovDeals is available online at [www.govdeals.com](http://www.govdeals.com)); and

**WHEREAS**, the sales are being conducted pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services' Local Finance Notice 2019-15; and

**THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale hereby authorize the sale of Borough property no longer needed for public use and that the public auction shall be conducted through GovDeals.com public online auction pursuant N.J.S.A. 40A:11-36 and Local Finance Notice 2019-15 of the New Jersey Department of Community Affairs, Division of Local Government Services; and Sourcwell Cooperative Purchasing Online Surplus Auctions & Payment Processing Contract #012821-GDI; and

**BE IT FURTHER RESOLVED**, that the sale of surplus property to be sold in "as is" condition without expressed or implied warranties is as follows:

And,

**BE IT FURTHER RESOLVED** that the Borough of Montvale reserves the right to accept or reject any bid submitted; and

**BE IT FURTHER RESOLVED** that the successful bidder(s) shall be required to pay the full amount of the sale, execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property, and shall be required to plan for the pick-up of sold property from the Borough of Montvale within 10 business days of the auction; and

**BE IT FURTHER RESOLVED**, the Borough Clerk shall publish a legal advertisement in the official newspapers informing the public as to scheduled dates of the online public auction, the nature of items being sold, and how to obtain more information on the sale as required by N.J.S.A. 40A:11-36; and

**BE IT FURTHER RESOLVED** that all other Borough Officials and Employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

**167-2021 A Resolution Approving a Developer's Agreement with Valley View Terrace, LLC Moksha Investments Premises Identified as Block 104, Lot 14 in the Borough of Montvale**

**WHEREAS**, Moksha Investments, LLC owner of the premises known as Block 104, Lot 14 made an application to the Planning Board for subdivision approval, variances, waivers and soil movement approval; and

**WHEREAS**, the Planning Board approved the Development by resolution dated October 6, 2020; and

**WHEREAS**, pursuant thereto, the Borough, Planning Board and Developer are desirous of executing a Developer's Agreement setting forth the parties' respective rights and obligations concerning said approval; and

**WHEREAS**, a Developer's Agreement has been negotiated by and between the parties and has been executed by the Developer and the Chairman of the Planning Board.

**NOW, THEREFORE, BE IT RESOLVED** that the Developer's Agreement dated November 9<sup>th</sup>, 2021, between the Borough of Montvale, the Planning Board of the Borough of Montvale, and Moksha Investments, LLC is hereby approved; and

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are hereby directed, authorized and empowered to execute the Developer's Agreement with the Developer and to take all other steps reasonably necessary to effectuate the provisions and purposes of this resolution.

**169-2021 Resolution Awarding Purchase Under New Jersey State Contract/Montvale Police 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 Police Radio's                      STATE CONTRACT #83909**

Goosetown Communications                      Total \$16,520.00

58 North Harrison Avenue

Congers, NY 10920

Attn: Jerry Ables

**WHEREAS**, attached is a detailed description of the purchase of Radio's quotation #QUOTE-1591407 dated November 1, 2021 which is attached to the original of this resolution.

**170-2021 Awarding Professional Service Contract/Engineering Services/Boundary Survey/Topographic Survey/Hearthstone Way/Colliers Engineering & Design**

**WHEREAS**, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to prepare a boundary and topographic survey of the unimproved right of way extending from the intersection of Hearthstone Way and Ihnen Court to Upper Saddle River Road; and

**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**, Colliers Engineering & Design, 200 Valley Road, Suite 400, Mt. Arlington, NJ 07856 has submitted a proposal November 18, 2021 to provide expanded professional engineering services which are 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 professional 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: Boundary & Topographic Survey
- 3) The cost not to exceed shall be \$6,000.00 The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered.

- 4) 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 in 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.

**171-2021 Resolution Authorizing Award of a Contract To CDW-G For the Purchase Of Barracuda Total Email Protection and Service For The Borough Of Montvale For Three (3) Years**

**WHEREAS**, N.J.S.A. 40A:11-10 et seq. authorizes a municipality to enter into a Cooperating Pricing Agreement with another public entity and

**WHEREAS**, certain economies can be achieved when public entities purchase goods and services together under a cooperative pricing agreement; and

**WHEREAS**, the Borough of Montvale wishes to purchase Barracuda Total Email Protection and service from CDW Government, 75 Remittance Drive, Suite 1515, Chicago, IL 60675-151, which is the holder of a cooperative agreement with Sourcewell 081419-CDW-G, and

**WHEREAS**, the Borough of Montvale's IT Professional, Dino George, states the proposal to be fair and reasonable;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF MONTVALE THAT:**

1. CDW Government's proposal for Barracuda Total Email Protection for three (3) years contract in the amount of \$21,816.00 is awarded to CDW-G.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-10 et seq.:
3. The term of the contract shall be for three (3) years.

**172-2021 A Resolution of the Borough of Montvale Awarding a Contract to The Land Conservancy, for the Update To the Open Space & Recreation Plan**

**WHEREAS**, the Borough of Montvale is desirous of engaging the services of a reputable company to assist the Borough of Montvale, Borough Planning Board and Environmental Commission with the update to its Open Space and Recreation Plan; and

**WHEREAS**, such services are exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5(a)(ii) and N.J.A.C. 5:34-2.1 as "extraordinary unspecifiable services"; and

**WHEREAS**, the Borough of Montvale's Environmental Commission and Montvale Planning Board recommended The Land Conservancy to provide such services. The Board's determined The Land Conservancy demonstrates the expertise and proven reputation; and

**WHEREAS**, the Borough Council based on the recommendation of both the Environmental Commission and Montvale Planning Board is therefore desirous of updating the Borough's Open Space Recreation Plan and wishes to award a contract to the Land Conservancy, for the prices and on the terms set forth in the attached Proposal dated November 10, 2021; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Montvale that a contract is hereby awarded to the Land Conservancy agreement which is hereto attached to the original of this resolution.

**BE IT FURTHER RESOLVED** that the pricing for this contract shall be for a total of \$12,500.00.

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk, and all other appropriate officials, shall be and are hereby authorized to execute all contract documents necessary to effectuate the purposes of this resolution.

**BE IT FURTHER RESOLVED** that pursuant to N.J.S.A. 40A:11-5(1)(a)(ii), a brief notice stating the nature, duration, service and amount of this contract shall be printed once in the official newspaper of Borough of Montvale, and said notice shall also advise the public that a copy of the final contract shall be on file and available for public inspection at the office of the Borough Clerk.

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

**173-2021 A Resolution of the Borough of Montvale Honoring Rose S. Curry/Montvale Public Library**

**WHEREAS**, a native of San Francisco, Rose S. Curry moved to the Borough of Montvale and has served the Borough for decades; and

**WHEREAS**, in 2004, Rose S. Curry created the position of Adult Program Coordinator at the Montvale Public Library, a position she later served in at the Oakland Public Library as well; and

**WHEREAS**, the well-being of the Montvale Public Library has always been of paramount importance to Mrs. Curry; and

**WHEREAS**, Rose S. Curry frequently participated in and championed events and services at the Montvale Public Library; and

**WHEREAS**, Rose S. Curry served as the Mayor's representative on the Montvale Library Board of Trustees for 1 year in 2021; and

**WHEREAS**, Rose S. Curry was elected to the Borough Council in 2012 and was reelected two more times, serving on the Borough Council for 10 years; and

**WHEREAS**, Rose S. Curry also served on the Montvale PTO, including as President and Vice-President, from 1990 to 2004; and

**WHEREAS**, Rose S. Curry worked in various Broadway and regional productions – experience that she shared with her community, including through directing After School Drama at Memorial School and directing high school musicals at Pascack Hills High School, Summit High School and Don Bosco Prep; and

**WHEREAS**, Rose S. Curry also graciously volunteered her time with the Boy Scouts, Girl Scouts, Tri-Boro Food Pantry and Meals on Wheels; and

**WHEREAS**, Rose S. Curry has dedicated more than three decades of her life to the service of the Montvale community; and

**WHEREAS**, in recognition of Rose S. Curry's diverse and extraordinary contributions to the Borough of Montvale, and her unfailing dedication to the Montvale Public Library, the Mayor and Borough Council desire to honor Rose S. Curry as herein set forth.

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

1. The Mayor and Borough Council do hereby recognize the extraordinary contributions of Rose S. Curry to the Borough of Montvale and the Montvale Public Library during her decades of service to the Montvale Community.
2. In recognition of the foregoing, the Montvale Public Library shall bear the honorary name of "Rose S. Curry."

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

**168-2021 Refund Property Taxes for Quarters 2, 3, and 4 of 2021 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 a quarters 2, 3, and 4 of 2021 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 February 7, 2020 for Michael Ercolano. Mr. Ercolano is the owner of 12 Blue Sky Lane, Block 2601, Lot 16.

**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. Ercolano \$13,656.50 and to cancel all future taxes as per the above.

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

**174-2021 A Resolution Approving the First Amendment to 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 previously entered into a Development and Property Transfer 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**, the Developer has subsequently obtained Preliminary Site Plan Approval from the Borough Planning Board, as well as funding for the project from the DCA's Affordable Housing Trust Fund program and the Bergen County 2021-2022 Home Investment Partnership Program; and

**WHEREAS**, due to increased costs on the development side, the Developer has requested that the Borough increase the amount of its own funding from \$375,000 to \$400,000, which shall come

from the Borough's Affordable Housing Trust Fund, and which will be in the form of a long-term, zero-interest loan with a maximum 32-year term; and

**WHEREAS**, the Developer has proposed a First Amendment to the Development and Property Transfer Agreement to address this increased funding and to include exhibits related to signage and architectural style of the project; and

**WHEREAS**, the Borough's Affordable Housing Special Counsel has reviewed this First Amendment and provided a letter of recommendation to the Borough Council, including with respect to the form of Note and Mortgage related to the funding increase; and

**WHEREAS**, the Borough is desirous of approving the terms of said First Amendment to help facilitate the development of this project in compliance with the Borough's Judgment of Compliance and Repose for its Third Round Affordable Housing obligations.

**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 First Amendment to 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, including seeking Court approval (if necessary) for amendment to the Borough's Spending Plan.
4. This Resolution shall take effect immediately.

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

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

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

**ENGINEER'S REPORT:**

Andrew Hipolit

Report/Update

Will receive bids on December 29 for the road program

**ATTORNEY REPORT:**

Joe Voytus, Esq.

Report/Update

No report

**UNFINISHED BUSINESS:**

- a. Huff Pond Status/Restoration After Hurricane IDA/Proposal Boswell/DTS Trucking Proposal/Funding

The Clerk asked councilmembers for direction in regards to the proposal from the last council meeting for approximately \$133,000 to restore Huff Pond. Councilmembers decided to do a temporary appropriation in January to hold the project to start in the Spring.

- b. Montvale Family Apartments

Passed Resolution 174-2021

**NEW BUSINESS:**

- a. Municipal Vacancy Law Appointment Unexpired Term/Councilmember/Rep. County Committee

Councilmember Roche submitted the following names, Jeff Auriemma, David Fish and Theresa Cudequest. A motion by Councilmember Lane to nominate Theresa Cudequest; seconded by Councilmember Koelling – a roll call was taken – all ayes. Mrs. Cudequest will be sworn in on December 16<sup>th</sup>.

- b. Discussion on Continuation of Zoom Meetings/M&C Public Meetings/2022

Councilmembers agreed to continue having the first Public meeting of the month to be in person and on Zoom.

- c. Discussion Budget meeting dates

Councilmembers agreed to have separate budget meetings on Mondays

**COMMUNICATION CORRESPONDENCE:**

None

**MEETING OPEN TO THE PUBLIC:**

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

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

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

No Public Comment

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

**ADJOURNMENT:**

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

Meeting adjourned at 8:20pm

**ADJOURNMENT:**

Reminder: Special School Board Election Tuesday, December 14th, 6:00 a.m. to 8:00 p. m.

The next Meeting of the Mayor and Council will be held on **Thursday, December 16, 2021** at 7:30pm in person and on Zoom

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