

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was 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 Cudequest
Councilmember Koelling

Councilmember Lane
Councilmember Roche
Councilmember Russo-Vogelsang

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

ORDINANCES:

INTRODUCTION ORDINANCE NO. 2022-1525 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 170 OF THE BOROUGH CODE TO REVISE CERTAIN CONSTRUCTION PERMIT FEES AND OTHER SUBCODE PERMIT FEES AND TO PROVIDE FOR A NEW TENANT/ RESALE CERTIFICATE
(Public Hearing 10-11-22)

A motion to Introduce Ordinance **2022-1525** for first reading was made by Councilmember Cudequest; 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

The borough attorney explained that this ordinance reflects fees that are similar to what the surrounding towns charge. Also to comply with some of the changes made by the DCA.

MINUTES:

September 13, 2022

A motion to accept the minutes by Councilmember Cudequest; seconded by Councilmember Koelling - all ayes with the exception of Councilmembers Arendacs, Lane and Russo-Vogelsang abstaining

CLOSED/EXECUTIVE MINUTES:August 30, 2022

A motion to accept the closed session minutes by Councilmember Cudequest; seconded by Councilmember Koelling - all ayes

September 13, 2022

A motion to accept the closed session minutes by Councilmember Cudequest; seconded by Councilmember Roche - all ayes with the exception of Councilmembers Lane and Russo-Vogelsang 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.

145-2022 Authorize Designation of Public Agency Compliance Officer (P.A.C.O.)/Christine Kalafut

WHEREAS, NJAC 17:27-1.1, regulates equal employment opportunity in the performance of contracts funded by the state; and

WHEREAS, NJAC 17:27-3.2 requires that a public agency annually designate a public agency compliance officer who shall be responsible for ensuring the agency's compliance with the regulations;

NOW, THEREFORE, BE IT RESOLVED that Christine Kalafut, Borough Treasurer and Qualified Purchasing Agent, is hereby designated as the Public Agency Compliance Officer for Equal Employment Opportunity pursuant to this action.

BE IT FURTHER RESOLVED that a copy of this resolution to the New Jersey Department of Treasury, Division of Contract Compliance & Equal Opportunity Office

146-2022 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 2021 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.

147-2022 Corrective Action Plan

WHEREAS, the audit report for the year ended December 31, 2021 was completed and filed on August 31, 2022 and received by the Borough of Montvale on September 1, 2022; 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, 2021.

148-2022 A Resolution Approving an Amendment to a Settlement Agreement for Affordable Housing with Bear-Ban Builders, LLC

WHEREAS, by agreement dated November 16, 2004 (the "Affordable Housing Agreement"), the Borough, the Planning Board, and Bear-Ban Builders, LLC and Robert E. Meyers (collectively, the "Developer") (along with property Owner Henry J. Bonnabel and Contract Purchaser Stanley Nowak) entered into an agreement setting forth the terms and conditions applicable to, *inter alia*, the development of certain real property referred to in said agreement as the "Woodland Tract," identified as Block 1301, Lots 24, 26 and 27, and Block 2204, Lots 39 and 40; and

WHEREAS, Developer is now both the owner and developer of the Woodland Tract, which is known as the "Woodland Heights" development; and

WHEREAS, the Affordable Housing Agreement provided for the payment of a total of \$140,000 by Developer to the Borough's Affordable Housing Trust Fund to fund the construction or rehabilitation of four (4) units of affordable housing (the "Affordable Housing Payment") in connection with the development of the Woodland Tract; and

WHEREAS, the parties are desirous of amending said agreement for the sole purpose of revising the payment structure for the Affordable Housing Payment applicable to the Woodland Tract; and

WHEREAS, the parties have drafted an Amendment to Agreement for Affordable Housing to effectuate same.

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

1. The Mayor and Borough Clerk are hereby directed, authorized and empowered to execute the Amendment to Agreement for Affordable Housing in a form approved by the Borough Attorney.
2. The Mayor, Borough Clerk, and all other appropriate officers, officials, employees and agents are hereby directed, authorized and empowered to take all steps reasonably necessary to effectuate the purposes and provisions of this resolution.
3. This resolution shall take effect immediately.

149-2022 A Resolution Awarding a Contract to Key Tech Laboratories for Core Sampling and Testing NJDOT State Aid 2021 Craig Road Roadway Improvements

WHEREAS, the Borough of Montvale's was required to conduct Bituminous Concrete Core Sampling & Testing for the 2021 NJDOT Craig Road – Various Streets Program 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 KeyTech Laboratories, consistent with the August 29, 2022 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.

150-2022 Resolution Awarding Purchase Under New Jersey State Contract / Montvale Building Department Vehicle/State Contract #21-Fleet-01483 Hertrich Fleet Service, 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

WHEREAS, by the Borough of Montvale that the following purchases under New Jersey State Contract are hereby authorized:

WHEREAS, in the year 2022 the Mayor and Council approved the acquisition of a Building Department vehicle; and

WHEREAS, the Borough of Montvale authorized the payments in the amount of \$38,707.22 for the vehicle; and

WHEREAS, payment shall be made to Hertrich Fleet Services, Inc. 1427 Bay Road, Milford, DE 19963; and

WHEREAS, THEREFORE, BE IT RESOLVED, the Chief Financial Officer has certified that funds are available and certification is attached to the original of this resolution.

NOW THEREFORE, BE IT FURTHER RESOLVED, the Mayor and Council authorize the purchase of this specified vehicle which documentation is attached to the original of this resolution.

PURCHASE OF Vehicle STATE CONTRACT #21-Fleet-01483 (T2776)

2023 Chevrolet Tahoe 4WD 4dr SSV Non-Pursuit CK15706

151-2022 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 2022-2023 term starting July 1, 2022 and ending on June 30, 2023.

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 2022-2023; 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.

152-2022 A Resolution of the Borough of Montvale Awarding a Contract to The Land Conservancy, for an Environmental Resource Inventory (ERI)

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 an Environmental Resource Inventory; and

WHEREAS, this contract is for professional services for which no public bidding is required; 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 in obtaining an Environmental Resource Inventory and wishes to award a contract to the Land Conservancy, for the prices and on the terms set forth in the attached Proposal attached to the original of this resolution; 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 his resolution.

BE IT FURTHER RESOLVED that the pricing for this contract shall be for a total of \$11,500.00 to be split between the Montvale Planning Board budget and Environmental Commission budget.

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.

153-2022 Tax Appeal Settlement/Block 2904/Lot 3/102 Chestnut Ridge Road/JD Montvale, LLC

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by JD Montvale, LLC (hereinafter the "Tax Appeal"), under Docket Numbers 006961-2017, 008155-2018, 003116-2019, 003445-2020, 007146-2021 and 003772-2022; and,

WHEREAS, the aforesaid Tax Appeal involves an office building located at 102 Chestnut Ridge Road, and is otherwise referred to as Block 2904 Lot 3 on the tax assessment map of the Borough (hereinafter the "subject property"); and,

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by the Borough's Appraiser and Tax Assessor; and,

WHEREAS, the proposed settlement terms are set forth in the attached Schedule "A" included herein; and,

WHEREAS, it is in the best interest of the Borough to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the settlement of the aforesaid Tax Appeal be hereby approved, in accordance with the terms set forth in the attached Schedule "A"; and,

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Borough Administrator, Tax Appeal Attorney and/or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

154-2022 Approving Renewal of Liquor License for the 2022-2023 License Term/ERA Hospitality LLC/Inactive License

WHEREAS, renewal applications have been filed or submitted through POSSE ABC portal as directed by the ABC; and,

WHEREAS, the submitted, renewal application has been accepted via POSSE ABC, the Municipal Fees have been paid and a Tax Clearance Certificate has been received for the following licensee; and,

WHEREAS, the submitted license renewal application received a special ruling pursuant to N.J.S.A. 33:1-12.39 dated September 20, 2022 and was approved by the State Alcohol Beverage Control Director, a copy of which is annexed hereto; and

WHEREAS, the applicant is qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, and pertinent Borough Ordinances; and

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Montvale State of New Jersey, that the renewal of the following Liquor License for the 2022-2023 license terms be and are hereby authorized:

License Number	Licensee	Establishment
0236-33-004-009	ERA Hospitality, LLC	Inactive

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

BILLS: Municipal Clerk read the Bill Report

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

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

Started the handicap ramps on Kinderkamack Road, once that's completed, paving will be soon after; Veolia (Suez) is doing the water main on Summit Ave and it is impacting the residents on Stembrook and also the construction of the property on Spring Valley Road as well. Stembrook is seeing a lot of construction activity and traffic; spoke to the contractor and Veolia to be more sensitive to the residents in the area. Will keep an eye on the situation. Mayor Ghassali ask for an update about the water tower, Andy stated that Veolia is working with Sloan Kettering and the owners of Exxon to work out an agreement for the tower to be put on their properties. Councilmember Russo-Vogelsang mentioned about putting a cross walk on RiverVale Road across to Middletown Road. Andy suggested to reach out to RiverVale's Mayor and Council to see if they are in agreement to put a cross walk there. Then once agreed by RiverVale, to do a combined resolution from both towns to send to the county for approval.

ATTORNEY REPORT:

Joe Voytus, Esq.
Report/Update

The attorney stated the borough received a proposal to do environmental services on 127 Summit Ave, councilmembers agreed for the engineer to do the work. Joe also stated we should have the signed contract in a few days.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

- a. Montvale Pump Stations (3) Huff Terrace, Valley View & Middletown Road back up pumps required for each site location cost estimate

The engineer recommends to purchase the back-up pumps; councilmembers agreed to the purchase

- b. Request purchase a portion of Hearthstone Way/Adjacent Property/T. Caleca

The attorney explained that there is a request to purchase the paper street between HearthStone Way and Upper Saddle River. According to the engineer, there is the sanitary sewer, storm sewer and electric that runs under that property. After a brief discussion by councilmembers a roll call vote was taken with Councilmembers Russo-Vogelsang, Arendacs and Cudequest voting yes to allow the resident to purchase the property and Councilmembers Koelling, Roche and Lane voting no. Therefore, Mayor Ghassali broke the tie by voting not to allow the purchase of the property.

COMMUNICATION CORRESPONDENCE:

None

MEETING OPEN TO THE PUBLIC:

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

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

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

NO PUBLIC COMMENT

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

ADJOURNMENT:

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

Meeting adjourned at 8:15pm

The next Regular Meeting of the Mayor & Council will be held on October 11, 2022 at 7:30 p.m. in person.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk