

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:35pm. 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

ORDINANCES:

INTRODUCTION ORDINANCE NO. 2020-1477 AN ORDINANCE TO AMEND ORDINANCE NO. 2019-1466 & ORDINANCE NO. 2019-1469 TO PROVIDE FOR AND DETERMINE THE RATE, AMOUNT AND METHOD OF PAYMENT OF COMPENSATION TO PERSONS HOLDING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF MONTVALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY

(Public Hearing March 10th)

A motion to Introduce Ordinance **2020-1477** 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

INTRODUCTION ORDINANCE NO. 2020-1478 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTERS 56 AND 128 OF THE CODE OF THE BOROUGH OF MONTVALE TO REVISE AND/OR SUPPLEMENT THE SUBMISSION REQUIREMENTS FOR SUBDIVISION AND SITE PLAN APPROVAL

(Public Hearing March 10th)

A motion to Introduce Ordinance **2020-1478** 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

MINUTES:

February 11, 2020

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

56-2020 A Resolution Approving the Montvale Public, Educational & Governmental Access Kit

WHEREAS, the Borough of Montvale offers residents the opportunity to place video content on Montvale's Public, Educational & Governmental Access Channel; and

WHEREAS, the Borough has created a Public, Educational & Governmental Access Kit to: 1) provide information to residents concerning the program; 2) establish rules and regulations governing the use of the Access Channel and the Borough's facilities; and 3) adopt forms for use in connection with the use of the Access Channel; and

WHEREAS, a copy of this Access Kit is attached hereto and expressly made a part hereof.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Montvale does hereby adopt the attached Montvale Public, Educational & Governmental Access Kit as the official document governing public use of the Borough's Access Channel.

57-2020 A Resolution Rejecting All Bids Received and Authorizing a Negotiated Procurement Process Pursuant to N.J.S.A. 40A:11-5(3) for the Senior Center Bathroom Renovations Project

WHEREAS, the Borough of Montvale did twice publicly advertise for bids for the project entitled "Senior Center Bathroom Renovations"; and

WHEREAS, in response to the first solicitation, nine (9) bids were received, with the lowest bid being \$193,000.00; 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, four (4) bids were received, with the lowest bid being \$191,100, which is not reasonable as to price based upon the engineer's estimate for this work; and

WHEREAS, the Borough of Montvale has now 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 has requested that the Governing Body authorize a negotiated procurement process for this project, which will be 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 is desirous of authorizing the Borough Engineer to solicit and negotiate a potential contract for this project with the assistance of the Borough Attorney.

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

1. All bids received in response to the second solicitation for the "Senior Center Bathroom Renovation" Project are hereby rejected for being unreasonable as to price based upon the engineer's estimate for this Project.
2. The Borough Engineer is hereby authorized to proceed with negotiations with prospective contractors for this Project with the assistance of the Borough Attorney.
3. The negotiation process shall comply in all respects with the requirements of the Local Public Contracts Law, and specifically N.J.S.A. 40A:11-5(3).

- 4. The final contract negotiated by the Borough Engineer shall be presented to the Governing Body for approval by a two-thirds vote of the full membership of the Governing Body

59-2020 Resolution Authorizing Person-To-Person Transfer/Plenary Retail Consumption License/Paulter Inc./T/A Aldo & Gianni Ristorante To: ERA Hospitality, LLC/Advertising Completed

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 0236-33-004-008, heretofore issued to Paulter, Inc., currently a Pocket License; and

WHEREAS, the submitted application form was complete with the exception of the newspaper publication, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the licensed business and all additional financing obtained in connection with the license business;

WHEREAS, advertising requirements have been satisfied which are attached to the original of this resolution and no objections to the transfer were submitted to the Municipal Clerk; and

BE IT RESOLVED, that the Borough of Montvale Governing Body does hereby approve, effective February 25, 2020 the transfer of the aforesaid Plenary Retail Consumption License to ERA Hospitality, LLC, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to ERA Hospitality, LLC, effective February 25, 2020."

NOW, THEREFORE BE IT RESOLVED, the Municipal Clerk shall forward a certified copy of this resolution to Shaquana Black, Official of the ABC and Bart Mongelli, Esq, of DeCotis, FitzPatrick, Cole & Giblin, LLP on behalf of ERA Hospitality, LLC.

60-2020 Emergency Temporary Appropriations

WHEREAS, an emergent condition has arisen with respect to certain budget appropriations and no adequate provision has been made in the 2020 temporary budget, and N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations for said purpose; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2020 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951) including this resolution total:

Current Fund	\$1,076,754.00
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NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

- 1. An emergency temporary appropriation be and the same is hereby made in the total amount of:

Current Fund	\$1,076,754.00
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- 2. That said emergency temporary appropriation (will be) provided in the 2020 budget;
- 3. That one certified copy of this resolution be filed with the Director of Local Government Services.

CURRENT FUND

General Appropriations

BOROUGH OF MONTVALE**FEBRUARY 25, 2020**

Operations - Within "CAPS"	
Construction Code Officials	
Other Expenses	\$1,000.00
Parks and Playground Maintenance	
Other Expenses	1,000.00
Statutory Expenditures:	
Public Employees Retirement System	164,311.00
Police and Fire Employees Retirement System	910,443.00
	=====
	\$1,076,754.00

61-2020 Transfer Of Appropriations

WHEREAS, certain transfer of funds for various 2019 budget appropriations are necessary to cover anticipated expenditures; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the transfers be made between the 2019 budget appropriations as follows:

	<u>FROM</u>	<u>TO</u>
<u>CURRENT FUND</u>		
General Appropriations		
Operations - Within "CAPS"		
Planning Board:		
Other Expenses	\$6,500.00	
Engineering Services and Costs:		
Other Expenses		6,500.00
	\$6,500.00	\$6,500.00
	=====	=====

62-2020 Appointment Full Time Deputy Court Administrator/Pascack Joint Municipal Court/Pedro Rodrigues

WHEREAS, the Pascack Joint Municipal Court is in need of a Deputy Court Administrator; and
WHEREAS, Pedro Rodrigues meets the qualifications and has been approved by the Assignment Judge to perform the duties of this position; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that the above-named individual is hereby appointed Deputy Court Administrator for the Pascack Joint Municipal Court effective March 1, 2020.

63-2020 Authorize Release of Escrow/Block 2802/Lot 2/JPO Ventures

WHEREAS, JPO Ventures (Vbarbershop), with offices located at 96 Merritt Drive, Oradell, NJ 07649 have requested release of escrow posted for Block 2802, Lot 2/COO1A; and

WHEREAS, the Borough Engineer and other Borough professionals take no exception to the release; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale hereby release to JPO Ventures in the amount of \$72.50; and

BE IT FURHTER RESOLVED, the Treasurer shall receive a copy of this resolution for processing.

Introduced by: Councilmember Lane; seconded by Councilmember Curry - a roll call was taken - all ayes Councilmember Roche asked for resolution 58-2020 be taken off the consent resolution

58-2020 A Resolution Supporting the Decision of the Borough of Park Ridge to Increase the LOSAP Payment for Members of the Tri-Borough Ambulance Corps in Accordance with the Consumer Price Index

WHEREAS, the Borough of Park Ridge is the Lead Agency for the Tri-Boro Ambulance Corps, Inc., a New Jersey not for profit corporation comprised of volunteers who provide emergency ambulance service to the residents of the Boroughs of Montvale, Woodcliff Lake and Park Ridge; and

WHEREAS, the Borough of Montvale deems it appropriate and necessary to act to ensure retention of existing volunteer members and to provide incentives for recruiting new volunteer ambulance members, and

WHEREAS, by referendum held on November 2, 1999, the Borough of Park Ridge approved the creation of a Length of Service Awards Program (“LOSAP”) which has enhanced and which will continue to enhance the ability of all three municipalities to retain and recruit volunteer ambulance corps members; and

WHEREAS, the Borough of Park Ridge, as the Lead Agency, has determined it to be appropriate to increase the maximum annual contribution for the LOSAP payments consistent with the increase in the consumer price index as permitted by law; and

WHEREAS, the Borough of Montvale would like to formally acknowledge its support of this increase.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Montvale does hereby endorse and support an increase in the maximum annual LOSAP contribution consistent with the increase in the consumer price index as permitted by law and as proposed by the Borough of Park Ridge.

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

64-2020 RE: Authorizing the Execution of a Contract with Grec Co, LLC for the Purchase of 26 North Kinderkamack Road

WHEREAS, the Borough of Montvale is desirous of purchasing certain real property located at 26 North Kinderkamack Road, Montvale, New Jersey (the “Property”), with funds set aside in the Affordable Housing Trust Fund, for the purpose of converting the Property into a two-family, deed-restricted affordable housing unit; and

WHEREAS, the Borough and the Property owner, Grec Co, LLC, have executed a Letter of Intent setting forth certain terms and conditions of the transaction, including a purchase price of \$414,000; and

WHEREAS, the Borough Attorney has negotiated the terms of a Contract for the purchase of the Property, consistent with the terms of the Letter of Intent previously executed.

NOW, THEREFORE, BE IT RESOLVED as follows:

The Mayor and Borough Clerk are hereby directed, authorized and empowered to execute the Contract for the purchase of the Property, subject to certain contingencies including the adoption of an Ordinance authorizing the acquisition of the Property pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq.;

The Borough Administrator, Municipal Housing Liaison, and all other appropriate officials and employees are hereby directed, authorized and empowered to disburse the initial sum of \$20,700 to the Borough Attorney, which money shall be used for the deposit of the Purchase Price under the Contract, from the Borough’s Affordable Housing Trust Fund;

The Borough Attorney and all other appropriate officials and employees are hereby directed, authorized and empowered to file the necessary application with the Montvale Planning Board to obtain variance approval for the use of the Property as a two-family deed-restricted affordable housing unit;

The Borough Engineer and all other appropriate officials and employees are hereby directed, authorized and empowered to conduct the necessary due diligence investigations on the Property, including but not limited to an environmental investigation and/or wetlands delineation; All other appropriate officials and employees are hereby directed, authorized and empowered to take all steps reasonably necessary to effectuate the provisions and purpose of this resolution and the Contract referenced herein.

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - a roll call was taken - all ayes
Councilmember Curry ask for the location of this property

BILLS: Municipal Clerk read the Bill Report

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

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

a. Montvale Senior Community Center Receipt of Bids/Bathroom Renovations/Rejection of Bids
Once again the bids came in \$50,000 over budget; Mayor Ghassali suggested to hold off until further discussion about what to do with the building; Mr. Hipolit suggested to continue with the negotiating process to see what the amounts come in at, you will not be obligated to award a contract.

b. PSEG Program

Their plan is to change gas lines on approximately 50 roads; if the road has been paved within the last five years, PSEG will have to pave the entire road. The roads are listed on the website.

ATTORNEY REPORT:

Joe Voytus, Esq.
Report/Update
No Report

UNFINISHED BUSINESS:

None

NEW BUSINESS:

a. Montvale Police Department Request to Commence New Hire Process

A motion to start the hiring process by Councilmember Koelling; seconded by Councilmember Lane – all ayes

b. Montvale Police Department Request Promotion Sergeant (Replacement)

A motion to approve the request for promotion of Sergeant by Councilmember Koelling; seconded by Councilmember Lane – all ayes

c. Request Internal Street Name for North Market/Market Street

The developer of North market would like permission to name an internal street within the development Market Street. A motion to approve by Councilmember Curry; seconded by Councilmember Lane – all ayes

d. PSE&G Request for Approval To Work On Saturday's/Gas System Modernization Program

a motion to allow work on Saturday's provided they give a few weeks notice by Councilmember Curry; seconded by Councilmember Lane – a roll call vote was taken and all ayes except for Councilmember Russo-Vogelsang voting No

e. 6am start time on Phillips Parkway to remove soil
a motion to allow start time providing they go according to what was agreed by the Planning Board by Councilmember Lane; seconded by Councilmember Koelling – all ayes

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 Curry – all ayes

Anita Bagdat

Who makes the request for a new street name; Mayor Ghassali stated that the request came from the developer; made a comment regarding the intersection of Grand Ave and Mercedes it is very dangerous, there was a terrible accident there on Friday night, can something be done like adding a light or better signage;

Carolee Adams

Suggested to contact Freeholder Tom Sullivan, maybe he can help with the intersection; pleased with the new website; parking lot next to the gas station, can it be free for Montvale residents, the clerk responded saying there is an ordinance that requires a permit for a cost of \$50 annually for Montvale residents, the Police department is required to patrol the lot for permit stickers. Mayor Ghassali stated he is looking into what other towns do; In regards to PSEG working on Saturdays, how much notice will be given, the engineer stated 3 weeks; Mayor Ghassali will post updates every few weeks regarding what roads will be worked on.

Jarret Schumacher

Suggested to post something about how to apply for a parking permit on the website; about the closed session regarding affordable housing, is there something new, the attorney stated it is to prepare for the mid-point review coming in July; what is the Gre Co property, the attorney stated it is located at 26 N Kinderkamack Road, the top floor is an apartment and the bottom floor is a Podiatry office, the intention is to purchase the property with Affordable Housing Trust Fund money and convert it into a two family deed restricted affordable housing unit; asked about the progress of the Waypoint project, Mayor Ghassali said it was ongoing.

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

ADJOURNMENT:

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

Meeting adjourned at 8:25pm

The next Meeting of the Mayor and Council will be held March 10, 2020 at 7:30 p.m.

Budget Introduction: March 10, 2020

Budget Adoption: April 14, 2020

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk