

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:36 PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Master Sergeant Dieter Koelling led the Pledge of Allegiance.

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting was provided to The Bergen Record and/or 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).

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 Lane
Councilmember Curry	Councilmember Roche
Councilmember Koelling	Councilmember Russo-Vogelsang

This meeting was conducted through Zoom teleconference and In-Person.

ORDINANCES:

None

MEETING OPEN TO PUBLIC:

Agenda Items Only

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

July 28, 2020

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

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.

140-2020 Resolution Awarding a Contract to American Asphalt & Milling Services, LLC for the NJDOT FY2020 – Various Streets Improvements Program in the Borough of Montvale

WHEREAS, the Borough of Montvale has a need to procure construction services for the NJDOT FY20202 – Various Streets 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 NJDOT FY2020 – Various Streets Improvements Program; and

WHEREAS, six (6) bids were received on July 17, 2020; and

WHEREAS, after receipt and review of the three (3) lowest bids received, the Borough of Montvale has determined that American Asphalt & Milling Services, LLC is the lowest responsible bidder for this contract, for the Base Bid plus Alternates “A” and “B”; 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	Contract Amount
American Asphalt & Milling Services, LLC	Base: \$193,258.80
96 Midland Avenue	Alternate “A”: \$117,490.90
Kearny, New Jersey 07032	<u>Alternate “B”:</u> \$117,146.58
	TOTAL: \$427,896.28

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.

141-2020 Amending Resolution No. 21-2020 To Establish Recreation Fees for Year 2020

WHEREAS, The Recreation Department hereby establishes the programs, times and fees for various programs; and

WHEREAS, the Recreation Director has recommended that the following fees, programs, and times be revised as described; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the following fees and programs and services be and are hereby established

TIME SCHEDULE FOR SKATING RINK:

Weekdays:

8:00AM - 2:00PM Pickleball
 2:00PM - Dusk Roller/Street Hockey

Weekends:

8:00AM - 10:00AM Pickleball
 10:00AM - 2:00PM Roller/Street Hockey
 2:00PM - 5:00PM Pickleball
 5:00PM - Dusk Roller/Street Hockey

<u>Program Name</u>	<u>Session Length</u>	<u>Resident Fee</u>	<u>Non-Resident Fee</u>
30+ Basketball	Sept-May	\$75	\$95
Adult Soccer	10 weeks	\$15	\$20
Golf Instruction- TGA	6 weeks	\$105	\$125
Pickleball Clinic	3 weeks	\$50	\$65
Pickleball Clinic Drop In Fee	1 class	\$20	\$25
Pickleball Program	January-May	\$50	\$75
Summer Camp: Grades 1-5	4 weeks	\$348 per child \$1044 family max	\$408 per child \$1224 family max

BOROUGH OF MONTVALE

AUGUST 11, 2020

Adventure Camp: Grades 6-7	4 weeks	\$450 per child	\$510 per child
Summer Camp Resident/Non-Resident	\$30 Additional Fee after Registration Period. \$25 late charge for every 15 minutes a child is left under care after camp dismissal. Payment shall be made directly to the Camp Director or Asst. Director and turned over to the Borough of Montvale.		
<u>Program Name</u>	<u>Session Length</u>	<u>Resident Fee</u>	<u>Non-Resident Fee</u>
Extended Day Multisport Camp by TGA During Summer Camp Weeks Only	1 week (2:30-6:30pm)	\$220	\$250
Multisport Camp by TGA After Summer Camp Weeks Conclude and/or During School Breaks	1 week (Half Day)	\$245	\$255
	1 week (Full Day)	\$295	\$305
	1 week (Full Day + After Care)	\$375	\$395
TaeKwon-Do	8 weeks (@ 2 classes per week)	\$120	\$180
Tai Chi	8 weeks	\$80	\$100
Montvale Senior Club Tai Chi Discount:	8 weeks	\$40	\$40
Tennis Lessons	6 weeks	\$80	\$120
	5 weeks	\$65	\$100
Tennis Badges			
Adult (Ages 18-61)	March-December	\$30	\$60
Child (Ages 17 & Younger)	March-December	\$10	\$20
Family Max	March-December	\$50	\$100
Seniors (Ages 62 & Up)	March-December	Free	\$10
		\$10 Fee for Replacement Tennis Badge	
Ultimate Frisbee by TGA	6 weeks	\$100	\$120
Volleyball- Adult	January-May	\$50	\$75
Volleyball- Girls	8 weeks	\$80	\$100
Yoga	8 weeks	\$80	\$100
Yoga Mini Session	4 weeks	\$40	\$50
Youth Theater	September-December	\$10	\$15

BOROUGH OF MONTVALE

AUGUST 11, 2020

WHEREAS, Borough Owned Recreational Fields shall be scheduled by the Borough of Montvale Field Coordinator; and

WHEREAS, Montvale Athletic League (“MAL”), Montvale Recreation and Pascack Hills High School shall have first priority field scheduling use and shall be provide a schedule to the Field Coordinator no later than February 1st.

WHEREAS, MAL, Recreation, Pascack Hills High School and churches are exempt from payment of fees relating to field use.

<u>Fields</u>	<u>Fee</u>	<u>Resident Team/Corporation</u>	<u>Non-Resident Team/Corporation</u>
Ballfields: Baseball or Softball (Memorial, Fieldstone or LaTrenta)	Per Season	\$200	\$400
Daily Ballfield Use Only	Per Day	\$50	\$100
Turf Fields: Soccer or Lacrosse (Fieldstone)	Per Hour	\$25	\$50
<p>***MAL endorsed programs in sports that are not offered by MAL, and which have Montvale residents participating, shall be charged the resident fee for field use. Turf Field Fees shall not exceed \$7,000 per season for any one organization.</p>			
Tennis Court Group Reservation (Memorial or LaTrenta) ***Two court maximum reservation at any one location	Per Day	\$25	\$25
Corporation Event Field Reservation (1 scheduled day plus 2 rain dates)	Per Day	\$200	\$400

Resident Corporation: Any company that owns or leases commercial within the borough.

Non-Resident Corporation: Any company that does not own or lease commercial space within the borough.

Residential Team: Any athletic team comprised of at least 75% of its roster with Montvale residents.

Non-Residential Team: Any team not having at least 75% of its roster filled with Montvale residents.

Time Slot: An uninterrupted 1 hour time period, or any part thereof, that a field is being used by an approved team.

Corporate Fees: Corporate fees paid to the borough for field use, whether Resident Corporation or Non-Resident Corporation, will entitle the user to 1 field reservation time slot and up to 2 additional time slots that are designated as “rain dates”.

Season: Spring season will begin March 1 and end July 31. Fall season will begin August 1 and end December 31.

No credit for unused Field Time Slots

All organizational (i.e. club team) play will be considered a non-resident teams.

Payment is required prior to use on all fields or no field use will be granted.

Once field use requests are received in full by February 1st, field use will be established with the following order of preference:

1. Montvale Athletic League, Recreation and Pascack Hills High School
2. Resident: Not-For-Profit Entity
3. Resident: For Profit Entity
4. Non-Resident: Not-For-Profit Entity
5. Non-Resident: For-Profit Entity

WHEREAS, it is the Borough of Montvale’s intention by the adoption of this resolution that if any prior established fee is in conflict with fee schedule the fees set forth in this fee schedule shall be the fees charged and any conflicting prior fee is hereby superseded, repealed and replaced with the fees adopted pursuant to this resolution.

142-2020 Refund Tax Overpayment/Block 805, Lot 1/ 23 Main Street

WHEREAS, a resolution authorizing the Borough of Montvale to refund an overpayment of taxes for the property located at 23 Main Street, also known as Block 805, Lot 1;

WHEREAS, a duplicate payment was made by the mortgage company; 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 Erin Kirkby, 23 Main Street, Montvale, NJ 07645 in the amount of \$2,742.63.

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

143-2020 A Resolution Approving Appropriate Standards for Recreation Department and Montvale Athletic League Coaches and Instructors Including Training and Background Check Requirements

WHEREAS, the Municipal Excess Liability Joint Insurance Fund (MEL/JIF) has recommended that the Borough of Montvale institute certain standards for all adult coaches and instructors who work with children during recreation-sponsored activities (including but not limited to organized sports), as well as for adult coaches and instructors of the Montvale Athletic League; and

WHEREAS, these standards include, at a minimum:

- 1) Completion of the Rutgers Sports Awareness for Educating Today’s Youth (SAFETY) Clinic, which satisfies the “Minimum Standards for Volunteer Coaches Safety Orientation and Training Skills Programs” (N.J.A.C. 5:52) and provides partial civil immunity protection to volunteer coaches under the “Little League Law” (N.J.S.A. 2A:62-6 et seq.); and
- 2) Completion of a comprehensive background check by the New Jersey State Police which shall include, at a minimum, fingerprint identification, checking Megan’s Law registration for New Jersey and other states where the individual has previously resided, a credit check (if the individual may be handling money) and a motor vehicle record check, as well as a personal and professional references check conducted by the sponsoring organization; background checks that disclose any negative or questionable results must be reviewed and approved by an appeals panel established by the Borough prior to the individual working with minors; and
- 3) Completion of the online course “Protecting Children from Abuse,” offered by the MEL Safety Institute at www.firstnetcampus.com/meljif.

WHEREAS, the Borough of Montvale has determined that it is necessary and appropriate to mandate the above requirements for all adult coaches and instructors for all activities sponsored and/or offered by the Recreation Department and the Montvale Athletic League.

NOW, THEREFORE, BE IT RESOLVED that all adult coaches and instructors shall be required to satisfy the standards set forth in the Preamble above, which are hereby adopted and approved; and

BE IT FURTHER RESOLVED that documentation evidencing proof of compliance with these requirements shall be filed with the Recreation Director; and

BE IT FURTHER RESOLVED that the costs of compliance with such standards shall be borne by the sponsoring organization (Recreation Department or Montvale Athletic League), which may choose to pass some or all of such costs on to the coach or instructor; and

BE IT FURTHER RESOLVED that all background checks shall be required to be completed no less than once every three (3) years; and

BE IT FURTHER RESOLVED that the sponsoring organization shall annually re-check and document the Megan’s Law directory for New Jersey to make certain that current coaches and instructors are not listed; and

BE IT FURTHER RESOLVED that all adult coaches and instructors are required to notify the appropriate organization of an arrest (charged with a misdemeanor or felony) or conviction for an offense within 72 hours of knowledge of the arrest or conviction; and

BE IT FURTHER RESOLVED that the Borough reserves the right to modify these requirements from time to time in order to meet legal or insurance requirements or to comply with new procedures established by the Borough Council; and

BE IT FURTHER RESOLVED that for 2020 only, all coaches and instructors shall make application for a background check and comply with all other requirements prior to working with minors.

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

Joe Voytus, Borough Attorney, gave a brief explanation regarding the resolution, stating that borough’s insurance provider has recommended that the Borough institute certain standards for all adult coaches and instructors who work with children as well as for adult coaches and instructors of the Montvale Athletic League. Lisa Dent, Recreation Director, added that this resolution will set forth guidelines for the MAL to due background checks.

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 – July

COMMITTEE REPORTS:

Council President Arendacs

Engineering

2020 road paving program is complete. In addition, we were able to add three more roads to the list which will be completed in September, Moulton Drive, Conrad Court and Heather Ridge Lane; Fieldstone turf was completed, the drainage on the field is being worked on; Philips Parkway and Paragon Drive road paving will start in September; Edgren Way road paving is completed. Installation of the salt shed will begin in September

DPW

Tragic news to report, one of the DPW workers father passed away suddenly as a result of Tropical Storm Isaias, keep the family in your prayers; working around the clock removing debris from the storm as well as helping Orange and Rockland crews; tree contractors will start picking up large tree limbs around town; commend the DPW on another job well done.

Thanked Mayor Ghassali, all OEM staff and councilmembers for keeping the residents informed during the storm. Would like to add many thanks to all the first responders for going above and beyond during the storm.

Councilmember Koelling

Police

Monthly report included in original minutes;

Thanked all the first responders, OEM, Mayor Ghassali and DPW for all their efforts during and after the storm.

Councilmember Curry

Planning Board

Cancelled due to storm

Senior Club

Will start their meetings outside behind the community center

Thanked all first responders for keeping us safe during the storm

TV Access

Will be interviewing John Hogan, Bergen County Clerk and Patty DiCostanzo, Superintendent of Elections regarding the upcoming November Election

Councilmember Roche

Environmental Commission

Pascack Trail was been approved by the DEP, just waiting on the actual permit; Huff Pond dredging is still being processed; met with Bayberry residents, they approved the 6' fence to be installed along their properties and the Trail;

Chamber of Commerce

They are looking into virtual networking events; the Street Fair has been cancelled.

Recreation

Added a new youth theater program, which will be done through Zoom

Regional BOE

Submitted their plans for re-opening the schools with a rotating schedule

Councilmember Lane

Fire Dept

23 fire calls, 2 drills and 1 extra credits; as a result of the storm, they had 25 calls within a five day period, 18 of which were on August 4; 5 trees on houses and 12 wires and/or transformers that were burning; Thanked the fire department and to remind everyone that they are volunteers also thanked OEM. A reminder, if you are running a generator please make sure it is well ventilated.

Councilmember Russo-Vogelsang

Diversity Committee

Was cancelled due to the storm.

BOE

The Administration had a Zoom meeting with the parents, they went over the return to school plan; If anyone has any further questions, please reach out to Dr. Petersen directly.

Would also like to thanked Police, Fire, Tri-boro, OEM and DPW, we appreciate all that they did throughout the storm.

MAYOR

Approximately 800 homes as a result of the storm lost power; thanked Police, Fire, OEM and all who were involved. Frank DiPalma also thanked Mayor and Council for their support throughout the storm. As of tonight there are 3 houses still without power, some roads are still block with downed trees and wires.

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

Councilmember Curry asked for an update regarding engine breaking; Mr. Hipolit's responses were in auditable.

ATTORNEY REPORT:

Joe Voytus, Esq.
Report/Update

The closing on 26 N Kinderkamack is scheduled for August 12; we are using the Affordable Housing monies to covert the building into two affordable apartments to meet our obligations.

Reminder on September 1 the garbage collection will change to the new hauler and recycling will now be picked up every other week. The full schedule will be on the website in the coming weeks.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

- a. Discussion / Draft Resolution / Temporary Outdoor Operating Permits for Gyms, Fitness Centers, Yoga Studios

144-2020 A Resolution Authorizing Temporary Outdoor Operating Permits for Gyms, Fitness Centers, Yoga Studios and Other Similar Exercise Facilities in the Borough of Montvale and Setting Forth a Procedure for Obtaining Said Permits

WHEREAS, gyms, fitness centers, yoga studios and other similar exercise facilities are not currently permitted to operate indoors as a result of the current COVID-19 pandemic and certain Executive Orders pertaining to same; and

WHEREAS, the Borough of Montvale recognizes the hardship placed upon these business and would like to establish a temporary procedure to allow such businesses to operate in certain parking areas as approved by the Site Plan Review Committee, similar to the procedure established for temporary outdoor restaurant seating.

NOW, THEREFORE, BE IT RESOLVED that effective immediately, the Borough hereby adopts the following procedure for the issuance of Temporary Outdoor Operating Permits for gyms, fitness centers, yoga studios and other similar exercise facilities in the Borough of Montvale:

1. Temporary Outdoor Operating 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 Operating Area, which shall only be permitted in a portion of a parking lot or parking garage, including

proposed set-up of equipment, and the location and size of any tents, fencing, barriers, etc. **Please note that all equipment must be stored inside overnight and may not be kept outside, unless authorized by the Property Owner and approved by the Reviewing Entities.**

- e. A narrative summary describing in detail the problems that may be generated by the proposed Outdoor Operating 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 CDC, the Governor and/or the State of New Jersey pertaining to such facilities or the Outdoor Operating Area, including but not limited to social distancing requirements, masks and/or face coverings, and the sanitizing of equipment.
 - g. Proof of insurance covering the proposed Outdoor Operating Area and the intended use of the property.
 - 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 Operating 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 Operating Areas may not have electrical service, extension cords or "wired" lighting without separate approval from the Building Department and compliance with all applicable requirements.
 - 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 CDC, the Governor and/or the State of New Jersey, may result in the Borough revoking the Permit and closing the Outdoor Operating 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 Operating 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 Operating 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 Operating 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 Operating Area past October 31, 2020.
12. All applicants seeking approval of permanent outdoor operating 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 Operating Permit option for gyms, fitness centers, yoga studios and other similar exercise facilities.

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

Mr. Voytus, Borough Attorney gave a brief explanation that this resolution is similar to what was done regarding outdoor dining. This allows exercise facilities to operate outdoors on a temporary basis.

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 Curry - all ayes

Carolee Adams

Montvale Strong !!! Thanked all the first responders; NOAA has issued an updated report stating there will be an increase in storms for this year. Suggested to the Mayor to look into speaking with Orange and Rockland if they have a program where residents can purchase generators at a discount.

Jarrett Schumacher

His remarks were in auditable

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Arendacs - 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 8:40pm

ADJOURNMENT:

The next Regular Meeting of the Mayor and Council will be held September 8, 2020 at 7:30 p.m.

REMINDER: WORK SESSION OF THE M&C CANCELLED AS PER ANNUAL MEETING SCHEDULE

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk