

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held 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 Lane – via telephone
Councilmember Curry - absent	Councilmember Roche
Councilmember Koelling	Councilmember Russo-Vogelsang

Also present: Mayor Michael 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. 2020-1487 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, CREATING A NEW CHAPTER 187 ENTITLED “ENGINE BRAKING”
(Public Hearing 11-10-2020)

A motion to Introduce Ordinance **2020-1487** for first reading was made by Councilmember Russo-Vogelsang; seconded by Councilmember Roche ; 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 Koelling - A roll call was taken – all ayes

MINUTES:

October 13, 2020

A motion to accept the minutes by Councilmember Arendacs; seconded by Councilmember Koelling - all ayes with the exception of Councilmember Roche abstaining

CLOSED/EXECUTIVE MINUTES:

October 13, 2020

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

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.

165-2020 Adoption of Security Response Plan for Cybersecurity Incidents

BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the attached Security Response Plan for Cybersecurity is hereby adopted effective immediately.

166-2020 A Resolution Authorizing the Borough of Montvale To Enter Into a Cooperative Pricing Agreement/Hunterdon County Educational Services Commission

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing Agreements for its administration; and

WHEREAS, the Hunterdon County Educational Services Commission, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services:

WHEREAS, on (date of action) the governing body of the Borough of Montvale, County of Bergen, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Montvale

AUTHORITY

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the (Chief Executive Officer) is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This Resolution shall take effect immediately upon passage.

169-2020 A Resolution Establishing a Temporary Juvenile Curfew for Cabbage Night and Halloween from 8:00 P.M. until 5:00 A.M.

WHEREAS, the Halloween Season can be dangerous to children walking the streets of the Borough of Montvale after daylight hours; and

WHEREAS, in the past, the Borough has experienced a higher-than-normal volume of acts of vandalism, trespassing and destruction of personal property on October 30, also known as "Cabbage Night" or "Mischievous Night," as well as on Halloween; and

WHEREAS, it is the desire of the Borough Council to set a reasonable period to allow for Halloween activities and also to protect its residents and private property; and

WHEREAS, the Police Department of the Borough of Montvale has recommended that a temporary curfew be established on the nights of October 30 and October 31 for persons 17 years of age or under, subject to certain exceptions; and

WHEREAS, the Police Department has advised that there will be supplemental police patrols, and the following enforcement priorities will be in effect on October 30 and 31:

The 8:00 p.m. curfew will be strictly enforced. Anyone in violation will be transported to headquarters.

A Zero-Tolerance policy towards acts of Criminal Mischief, Trespassing and aggressive behavior. Anyone found defacing or damaging property will be brought to headquarters and processed accordingly.

The Police Department will be confiscating all potentially destructive items, including toilet paper and shaving cream, from children who are wandering unsupervised on our streets. Names of all unsupervised juveniles will also be recorded.

Any children found with items that we believe pose a significant threat to persons or property will be brought to headquarters and processed accordingly. These items include eggs, spray paint, paint ball guns, etc.

Anyone who operates a motor vehicle in violation of the law will be issued the appropriate motor vehicle summons.

NOW, THEREFORE, BE IT RESOLVED that a temporary curfew is hereby established for persons 17 years of age and under to be off the streets and other public places on the following dates and times:

"Cabbage Night: - Friday, October 30th from 8:00 PM until 5:00 AM the following day

"Halloween" – Saturday, October 31st from 8:00 PM until 5:00 AM the following day

BE IT FURTHER RESOLVED that said curfew shall not apply if the juvenile is accompanied by a parent or adult guardian (18 years or older) having custody of the juvenile, or if the juvenile is traveling to or from place of employment or a sanctioned school activity.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Police Department, and the details concerning the curfew and police enforcement priorities shall be posted on the Borough website.

170-2020: A Resolution Extending & Authorizing Temporary Outdoor Seating Permits for Licensed Restaurants, Bars and Other Such Establishments in the Borough of Montvale and Setting Forth a Procedure for Obtaining Said Permits

WHEREAS, the Borough of Montvale currently only allows for outdoor dining when specifically approved by the Planning Board as part of Site Plan approval; and

WHEREAS, in anticipation of the Governor allowing certain business to open up with either outdoor seating only or a combination of outdoor seating and limited indoor seating on June 15, 2020, the Mayor and Council would like to assist businesses during this difficult time due to the COVID-19 pandemic to allow for additional outdoor seating on a temporary basis.

NOW, THEREFORE, BE IT RESOLVED that effective June 15, 2020, or on such date that the State of New

Jersey allows temporary outdoor seating for restaurants, bars and other establishments, the Borough hereby adopts the following procedure for the issuance of Temporary Outdoor Seating Permits in the Borough of Montvale:

1. Temporary Outdoor Seating Permits (hereinafter "Permits") shall be issued by the Zoning Officer.
2. Permit Applications shall be submitted to the Land Use Administrator on a form approved by the Borough.
3. The Application Form shall require, at a minimum, the following information:
 - a. Name, address, email, cell phone and owner(s) of the Applicant
 - b. Name, address and owner(s) of the property (if different than the Applicant) and consent of the property owner to the Application
 - c. Copy of most recent approved Site Plan for the property
 - d. A drawing, survey or sketch showing the proposed Outdoor Seating Area, including proposed table set-up, seating capacity and the location and size of any tents, fencing, barriers, etc.
 - e. A narrative summary describing in detail the problems that may be generated by the proposed Outdoor Seating Area (e.g., diminished parking, encroachment on set-backs, increased outdoor lighting, increased noise, traffic flow, patron safety) and the manner in which the Applicant intends to address these problems
 - f. Proof of compliance with all requirements established by the Governor and/or the State of New Jersey pertaining to such Outdoor Seating Area, including but not limited to Executive Order No. 150, Executive Directive No. 20-014 issued by the

Department of Health, and SR-2020-10 issued by the Department of Law and Public Safety, Division of Alcoholic Beverage Control

- g. Proof of insurance covering the proposed Outdoor Seating Area and the use of the property for outdoor dining
 - 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 Seating Area past March 31, 2021.
 - i. A statement acknowledging the following: Tents may not exceed 40'x40' in size. Tents may not have sides and must be open-air. Open flames are not permitted underneath tent structures. Outdoor Seating Areas may not have electrical service or "wired" lighting.
 - j. A statement acknowledging that failure to comply with the terms and conditions of any Permit, or with any of the requirements established by the Governor and/or the State of New Jersey, may result in the Borough revoking the Permit and closing the Outdoor Seating Area
4. Upon receipt of a completed Application, the Land Use Administrator shall refer the Application to the following officials and/or departments or their designees (the "Reviewing Entities") for a review and recommendation:
- a. Planning Board Site Plan Review Committee
 - b. Police Department
 - c. Fire Department
 - d. Board of Health
 - e. Borough Engineer
 - f. Any other official that the Land Use Administrator deems necessary to assist the Site Plan Review Committee.
5. The Reviewing Entities shall review the Application in order to determine that the business has demonstrated that allowing the Outdoor Seating Area is safe for both the customers and the public. The Reviewing Entities shall work with Applicants to reach reasonable accommodations to assist such businesses to obtain a Permit from the Borough, and they shall make any recommendations deemed necessary to protect the health, safety and welfare of the public.
6. The Reviewing Entities shall review the Application and the proposed Outdoor Seating Area and either recommend to the Zoning Officer the approval, denial or revision of the Application. The approval of an Application shall set forth all terms and conditions of approval.
7. Upon receipt of the recommendation of approval by all Reviewing Entities, the Zoning Officer shall issue a Permit to the Applicant. All terms and conditions set forth by any

Reviewing Entities with a recommendation of approval shall become conditions on the issuance of a Permit by the Zoning Officer.

8. There shall be no fee for a Permit Application.
9. The hours of operation of any Temporary Outdoor Seating Area shall be limited to 7:00 a.m. to 10:00 p.m.
10. All Permits issued pursuant to this Resolution and procedure shall terminate on March 31, 2021.
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 Seating Area past March 31, 2021.
12. All applicants seeking approval of permanent outdoor seating 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 Seating Permit option when it becomes available.

171-2020 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 March 31, 2021.
 - 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
5. 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.

6. 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.
 7. 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.
 8. 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.
 9. There shall be no fee for a Permit Application.
 10. The hours of operation of any Temporary Outdoor Operating Area shall be limited to 7:00 a.m. to 10:00 p.m.
 11. All Permits issued pursuant to this Resolution and procedure shall terminate on March 31, 2021.
 12. 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 March 31, 2021.
 13. 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.

172-2020 Resolution Awarding Purchase Under New Jersey State Contract/Montvale Fire 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 Radio's	STATE CONTRACT #83909
Motorola Solutions, Inc.	\$5,740.25
c/o Regional Communications	\$8,871.15
64 East Midland Avenue	Total \$14,611.40
Paramus, NJ 07653	

2 Radio's (1) Portable \$8,871.15 and (1) Non-Portable \$5,740.25 see attached quotation dated September 28, 2020 which is attached to the original of this resolution.

173-2020 Resolution Awarding Purchase Under New Jersey State Contract/Montvale Fire Department/Turn Out Gear/Protective Clothing/Witmer Public Safety Group, 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 **NOW THEREFORE, BE IT RESOLVED** by the Borough of Montvale that the following purchases under New Jersey State Contract are hereby authorized:

PURCHASE OF Turn-Out Gear/Protective Clothing
Pants & Jackets
Witmer Public Safety Group, Inc.
104 Independence Way
Coateville, PA 19320

STATE CONTRACT #17-FLEET-00805
Total \$30,000.00

10 Jackets & 10 Pant see attached quotation dated August 4, 2020 which is attached to the original of this resolution.

174-2020 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 2020-2021 term starting July 1, 2020 and ending on June 30, 2021.

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 2020-2021; 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.

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

RESOLUTIONS 167-2020 and 168-2020 WERE WITHDRAWN**167-2020 A Resolution Declaring an Emergency Affecting Public Health, Safety and Welfare and Ratifying the Emergency Contract Awarded Pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 to Air Systems Maintenance, Inc. Related to the Provisions and Installation of a New Roof Top Unit for the Montvale Police Department**

WHEREAS, on October 15, 2020, the Borough of Montvale Engineer issued a Memorandum to the Borough Administrator, Qualified Purchasing Agent, Borough Attorney and Mayor and Council concerning an emergency situation that arose with respect to the roof top unit for the Montvale Police Department; and

WHEREAS, said Memorandum advised that the roof top unit servicing the Police Department had failed and was no longer producing heat for that section of the building; and

WHEREAS, the Borough Engineer advised that the Police Department provides essential services to the Borough and its residents, and a normal bid process would have resulted in the delay of installation of a new unit until well into the winter; and

WHEREAS, said situation represented a threat to the health, safety and welfare of the public; and

WHEREAS, this emergency situation could not have been reasonably foreseen by the Borough; and

WHEREAS, the Borough Council is satisfied based upon October 15, 2020 Memorandum from the Borough Engineer, that the conditions at the Montvale Police Department represented a danger to the health, safety and welfare of the general public and thus constituted an "emergency" for purposes of N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1; and

WHEREAS, the Borough did therefore engage Air Systems Maintenance, Inc., who was already performing routine maintenance and emergency HVAC services for the Borough, to provide and install a new roof top unit, including expedited shipping, to protect the health, safety and welfare of the public; and

WHEREAS, the cost of the delivery and installation of the roof top unit, including expedited shipping, was \$81,910.00 pursuant to a proposal dated October 14, 2020, submitted to the Borough of Montvale; and

WHEREAS, the scope of work was limited to the goods and services required to address the emergency situation; and

WHEREAS, the Borough Qualified Purchasing Agent executed a purchase order for this work pursuant to said proposal, under the authority granted by N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1.

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

1. The recitals set forth above are incorporated herein as if set forth at length.
2. The Borough Council hereby declares that the situation at the Montvale Police Department constituted an "emergency" justifying the use of emergency procurement procedures by the Borough Qualified Purchasing Agent pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1.
3. The Purchase Order entered into with Air Systems Maintenance, Inc. in the amount of \$81,910.00 is hereby ratified and reaffirmed.
4. A copy of the October 15, 2020 Memorandum from the Borough Engineer shall be filed in the minutes along with this Resolution.

168-2020 A Resolution Declaring an Emergency Affecting Public Health, Safety and Welfare and Ratifying the Emergency Contract Awarded Pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 to Air Systems Maintenance, Inc. Related to the Provision and Installation of a New Boiler for the Montvale Senior and Community Center

WHEREAS, on October 15, 2020, the Borough of Montvale Engineer issued a Memorandum to the Borough Administrator, Qualified Purchasing Agent, Borough Attorney and Mayor and Council concerning an emergency situation that arose with respect to the boiler for the Montvale Senior and Community Center; and

WHEREAS, said Memorandum advised that the boiler servicing the Police Department was badly leaking and required immediate replacement; and

WHEREAS, the Borough Engineer advised that the Senior and Community Center serves as the Borough's only polling location for the upcoming General Election, and a normal bid process would have resulted in the delay of installation of a new unit until well into the winter; and

WHEREAS, said condition represented a threat to the health, safety and welfare of the public; and

WHEREAS, this emergency situation could not have been reasonably foreseen by the Borough; and

WHEREAS, the Borough Council is satisfied based upon October 15, 2020 Memorandum from the Borough Engineer, that the conditions at the Montvale Senior and Community Center represented a danger to the health, safety and welfare of the general public and thus constituted an "emergency" for purposes of N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1; and

WHEREAS, the Borough did therefore engage Air Systems Maintenance, Inc., who was already performing routine maintenance and emergency HVAC services for the Borough, to provide and install a boiler to protect the health, safety and welfare of the public; and

WHEREAS, the cost of the delivery and installation of the boiler was \$24,558.00 pursuant to a proposal dated October 14, 2020, submitted to the Borough of Montvale; and

WHEREAS, the scope of work was limited to the goods and services required to address the emergency situation; and

WHEREAS, the Borough Qualified Purchasing Agent executed a purchase order for this work pursuant to said proposal, under the authority granted by N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1.

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

1. The recitals set forth above are incorporated herein as if set forth at length.
2. The Borough Council hereby declares that the situation at the Montvale Senior and Community Center constituted an "emergency" justifying the use of emergency procurement procedures by the Borough Qualified Purchasing Agent pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1.
3. The Purchase Order entered into with Air Systems Maintenance, Inc. in the amount of \$24,558.00 is hereby ratified and reaffirmed.
4. A copy of the October 15, 2020 Memorandum from the Borough Engineer shall be filed in the minutes along with this Resolution.

163-2020 Corrective Action Plan

WHEREAS, the audit report for the year ended December 31, 2019 was received by the Borough of Montvale on September 17, 2020; 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, 2019.

164-2020 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 2019 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.

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

Jeff Bliss, Borough Auditor, gave a brief explanation stating that overall the audit was excellent; the recommendation to management is to review and cancel open purchase orders at year end; the monies would then go into surplus; Trust and Escrows accounts have numerous old accounts, they should be cancelled and lastly, a resolution is needed to moralize the employee contribution towards their medical benefits.

All councilmembers thanked the staff for an excellent job with the finances and thanked Jeff Bliss for all his work.

175-2020 A Resolution Approving a Proposal by Maser Consulting, Inc. to Perform Certain Engineering Work in Connection with the Reconstruction and Relocation of a Drainage Swale at 37 Eagle Ridge Road

WHEREAS, the Borough of Montvale previously entered into a settlement agreement in the matter captioned *Libock v. Bear Ban Builders, et al.*, which calls for the reconstruction and relocation of a drainage swale at the property located at 37 Eagle Ridge Road in the Borough of Montvale; and

WHEREAS, in connection with this settlement, it is necessary for Maser Consulting, PA to perform certain engineering work related to same; and

WHEREAS, Maser has submitted a proposal dated October 27, 2020, to perform a scope of work that includes preparing plans, shop drawing review, coordinating and attending a pre-construction meeting, progress meetings as needed, site inspections and project closeout; and

WHEREAS, Maser proposes to perform these services for a fee not to exceed \$15,000.00; and

WHEREAS, it is necessary to authorize Maser to perform these services in order to fulfill the Borough's obligations under the settlement agreement in the above-captioned litigation; and

BOROUGH OF MONTVALE

OCTOBER 27, 2020

WHEREAS, the Borough's Chief Financial Officer has certified that funds have been appropriated and are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED that the foregoing recitals are incorporated herein as if set forth at length; and

BE IT FURTHER RESOLVED that the Borough does hereby approve Maser's Proposal dated October 27, 2020; and

BE IT FURTHER RESOLVED that the Mayor, Borough Clerk and all other appropriate officials, officers and employees are directed, authorized and empowered to take all steps reasonably necessary to effectuate the provisions of this resolution.

Introduced by: Councilmember Lane; seconded by Councilmember Roche - all ayes
Mr. Voytus, Borough Attorney stated this resolution reflects part of the settlement agreement for Maser to perform the work needed.

176-2020 Resolution Awarding Purchase Under New Jersey State Contract/Montvale Police Department Radio's/Motorola Solutions

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 \$30,878.21

58 North Harrison Avenue

Congers, NY 10920

Attn: Jerry Ables

WHEREAS, attached is a detailed description of the purchase of 11 Radio's quotation #QU0000514849 dated October 13, 2020 which is attached to the original of this resolution.

Introduced by: Councilmember Koelling; seconded by Councilmember Arendacs - all ayes
Councilmember Koelling explained this purchase would give each officer their own radio, currently they share radios.

BILLS: Municipal Clerk read the Bill Report

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

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

Paragon and Philips NJDOT project, milling is complete and paving will be done shortly;
Councilmember Roche asked about the corner of Grand Ave, if there is a plan to develop that side;
Mr. Hipolit stated not at this time.

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

No Report

UNFINISHED BUSINESS

None

NEW BUSINESS:

Mayor Ghassali stated that COVID numbers are increasing and encouraged everyone to continue to wear a mask

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 Koelling; seconded by Councilmember Arendacs – all ayes

Carolee Adams

Encourage all residents to avoid feeding the deer; a follow up question to Mayor Ghassali regarding speaking with the other surrounding Mayors in regards to a paid ambulance department, Mayor Ghassali stated he did not speak to all the Mayors but he will. Mrs. Adams, stated that the MVC had a mobile unit in Trenton today, to issue ID cards to recently released prisoners, why can't they do it for the rest of the population; noticed the Police interviewing new officers, it is good to see the young people applying given the current unrest towards the police; mentioned that October is German heritage month "Octoberfest"

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

MEETING CLOSED TO THE PUBLIC:

A motion to go into closed by Councilmember Roche; seconded by Councilmember Koelling – all ayes

A motion to go back into open by Councilmember Lane; seconded by Councilmember Koelling – all ayes

All councilmembers agreed upon the PBA contract regarding their contribution towards health benefits.

A motion to close meeting to the public by Councilmember Koelling; seconded by Councilmember Arendacs

ADJOURNMENT:

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

Meeting adjourned at 8:15pm

The next Regular Meeting of the Mayor and Council will be held November 10, 2020.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk

