

**PUBLIC MEETING  
MINUTES**

The Public Meeting of the Mayor and Council was held virtually by Zoom and called to order at 7:31PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Master Sergeant Dieter Koelling led the Pledge of Allegiance to the Flag, and roll call was taken.

**OPEN PUBLIC MEETING STATEMENT**

Adequate notice of this meeting was provided to The Bergen Record 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, Andy Hipolit; Administrator/Municipal Clerk, Maureen Iarossi-Alwan; and Deputy Municipal Clerk, Fran Scordo

**ROLL CALL:**

Councilmember Arendacs  
Councilmember Cudequest  
Councilmember Koelling

Councilmember Lane  
Councilmember Roche  
Councilmember Russo-Vogelsang

**Arbor Day Proclamation****ORDINANCES:**

**INTRODUCTION OF ORDINANCE No. 2022-1514** AN ORDINANCE TO AMEND SALARY ORDINANCE NO. 2021-1509 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 FOR THE YEAR 2022

(public hearing 1/25/22)

A motion to Introduce Ordinance **2022-1514** 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

**MEETING OPEN TO PUBLIC:**

Agenda Items Only

Motion to open meeting to the public by Councilmember Cudequest; seconded by Councilmember Roche – all ayes

**NO PUBLIC COMMENT**

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Roche – all ayes

**MEETING CLOSED TO PUBLIC:**

Agenda Items Only

**MINUTES:****December 28, 2021**

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

**Sine Die January 2, 2022**

A motion to accept minutes by Councilmember Lane; seconded by Councilmember Roche - all ayes

**Re-Organization January 2, 2022**

A motion to accept minutes by Councilmember Lane; seconded by Councilmember Russo-Vogelsang – all ayes

**CLOSED/EXECUTIVE MINUTES:**

**December 28, 2021**

A motion to accept closed session minutes by Councilmember Lane; seconded by Councilmember Cudequest – all ayes with the exception of Councilmember Roche 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.

**22-2022 Cancellation of Outstanding Checks / Prior Years / Pascack Joint Municipal Court**

**WHEREAS**, there exists various outstanding checks from prior years drawn against certain accounts; and

**WHEREAS**, the Municipal Court Administrator provided a listing of outstanding checks that require cancellation (listing attached) from prior years.

**BE IT RESOLVED**, the Chief Financial Officer is hereby authorized to deposit these funds to the respective reserve or surplus account;

**BE IT FURTHER RESOLVED**, the Municipal Court Administrator shall receive a copy of this resolution for record keeping; and

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the attached list of outstanding checks from prior years be cancelled;

**23-2022 Authorize Appointment / Sherri D'Alessandro / Acting Municipal Court Administrator**

**WHEREAS**, pursuant to N.J.S.A. 2B:12-10 the Municipality of Upper Saddle River and the Municipality of Montvale, acting as lead agency for the Pascack Joint Municipal Court, are required to provide for a Municipal Court Administrator; and

**WHEREAS**, pursuant to N.J.S.A. 40A:65-1 et. Seq., any municipality of the State of New Jersey may contract with any other municipality or municipalities to share services that any party to the agreement is empowered to provide within its own jurisdiction; and

**WHEREAS**, in accordance with N.J.S.A. 2B:12-1(c) the Municipality of Upper Saddle River and the Municipality of Montvale, acting as lead agency for the Pascack Joint Municipal Court, consent and agree to share the professional services of their respective Municipal Court Administrators on a provisional basis in the event of the absence of the Municipal Court Administrator and Deputy Court Administrator, to undertake the duties of the absent Municipal Court Administrator during scheduled and/or unscheduled leaves, within the two respective municipalities; and

**WHEREAS**, the rate of pay shall be \$30 per hour. Pay rate established by N.J.S.A. 2B:12-10(b).

**NOW THEREFORE BE IT RESOLVED**, this 11th day of January 2022, that the Municipality of Upper Saddle River and the Municipality of Montvale consent to the attached agreement.

**24-2022 Award Professional Service Contract / Borough Attorney / Boggia, Boggia, Betesh & Voytus, LLC**

**WHEREAS**, the Borough of Montvale has a need to acquire Attorney Services through the alternate process pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5*; and,

**WHEREAS**, Boggia, Boggia, Betesh & Voytus, LLC, 71 Mt. Vernon Street, Ridgefield Park, NJ 07660 were appointed at the Re-organization Meeting of the Governing Body on January 2, 2022; and

**WHEREAS**, the anticipated term of this contract is for 1 year; and

**WHEREAS**, the Certified Municipal Finance Officer has certified the availability of funds; and,

**WHEREAS**, Joseph Voytus, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Borough of Montvale in the previous one year, and that the contract will prohibit Philip Boggia, Esq. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Local Public Contracts Law (*N.J.S.A. 40A:111 et seq.*) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the Contract itself must be available for public inspection;

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

1. The Mayor and Municipal Clerk of the Borough of Montvale are hereby authorized and directed to execute the attached Contract with Boggia, Boggia, Betesh & Voytus, LLC
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with *N.J.S.A. 40A:11-5(1)(a)* of the Local Public Contracts Law because the services are to be performed by a person authorized by law to practice a recognized profession.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. A Notice of this action shall be printed once in the official newspaper of the Borough.

**25-2022 Award Professional Service Contract / Borough Auditor / Lerch, Vinci & Higgins**

**WHEREAS**, the Borough of Montvale has a need to acquire Auditor Services through the alternate process pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5*; and,

**WHEREAS**, Lerch, Vinci & Higgins, LLP, 17-17 Route 208, Fair Lawn, NJ 07410 were appointed at the Re-organization Meeting of the Governing Body on January 2, 2022; and

**WHEREAS**, the anticipated term of this contract is for 1 year; and

**WHEREAS**, the Certified Municipal Finance Officer has certified the availability of funds; and,

**WHEREAS**, Lerch, Vinci & Higgins, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Borough of Montvale in the previous one year, and that the contract will prohibit Lerch, Vinci & Higgins, LLP from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Local Public Contracts Law (*N.J.S.A. 40A:111 et seq.*) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the Contract itself must be available for public inspection;

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

1. The Mayor and Municipal Clerk of the Borough of Montvale are hereby authorized and directed to execute the attached Contract with Lerch, Vinci & Higgins
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with *N.J.S.A. 40A:11-5(1)(a)* of the Local Public Contracts Law because the services are to be performed by a person authorized by law to practice a recognized profession.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

4. A Notice of this action shall be printed once in the official newspaper of the Borough of Montvale.

**26-2022 Award Professional Service Contract / Engineering Services / Colliers Engineering & Design, Inc. Andrew R. Hipolit, P.E., PP., C.M.E.**

**WHEREAS**, the Borough of Montvale has a need to acquire Engineering Services through the alternate process pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5*; and,

**WHEREAS**, Colliers Engineering & Design, Inc. 400 Valley Road, Suite 304, Mount Arlington, NJ 07856 were appointed at the Re-organization Meeting of the Governing Body on January 2, 2022; and

**WHEREAS**, Andrew R. Hipolit, shall be designated as Principal in Charge for all services provided to the Borough of Montvale, and

**WHEREAS**, the anticipated term of this contract is for 1 year; and

**WHEREAS**, the Certified Municipal Finance Officer has certified the availability of funds; and,

**WHEREAS**, Colliers Engineering & Design, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Borough of Montvale in the previous one year, and that the contract will prohibit Colliers Engineering & Design, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Local Public Contracts Law (*N.J.S.A. 40A:111 et seq.*) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the Contract itself must be available for public inspection;

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

1. The Mayor and Municipal Clerk of the Borough of Montvale are hereby authorized and directed to execute the attached Contract with Colliers Engineering & Design, Inc.

2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with *N.J.S.A. 40A:11-5(1)(a)* of the Local Public Contracts Law because the services are to be performed by a person authorized by law to practice a recognized profession.

3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

4. A Notice of this action shall be printed once in the official newspaper of the Borough.

**27-2022 Award Professional Service Contract / Borough Planner / Colliers Engineering & Design, Inc. Darlene Green, P.P., AICP**

**WHEREAS**, the Borough of Montvale has a need to acquire Municipal Planner through the alternate process pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5*; and,

**WHEREAS**, Colliers Engineering & Design, Inc. was appointed at the Re-Organization Meeting of the Governing Body on January 2, 2022; and

**WHEREAS**, it is the desire of the Mayor and Borough Council to appoint Darlene Green, P.P., AICP, Associate, Senior Project Planner of Colliers Engineering & Design, Inc., Shelbourne at Hunterdon, 53 Frontage Road, Suite 110, Hampton, NJ 08827 for planning services for the Borough; and

**WHEREAS**, the anticipated term of this contract is for 1 year; and

**WHEREAS**, the Certified Municipal Finance Officer has certified the availability of funds; and,

**WHEREAS**, Colliers Engineering & Design, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Borough of Montvale in the previous one year, and that the contract will prohibit Colliers Engineering & Design, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Local Public Contracts Law (*N.J.S.A. 40A:111 et seq.*) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the Contract itself must be available for public inspection;

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

1. The Mayor and Municipal Clerk of the Borough of Montvale are hereby authorized and directed to execute the attached Contract with Colliers Engineering & Design, Inc.
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services are to be performed by a person authorized by law to practice a recognized profession.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. A Notice of this action shall be printed once in the official newspaper of the Borough.

**28-2022 Awarding Service Contract / Agreement Tri-State Technical Services / Computers & Peripherals**

**WHEREAS**, the Borough of Montvale requires professional computer services and an extended service agreement for the computers and peripherals for the period January 1, 2022 through December 31, 2022; and

**WHEREAS**, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding.

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

That a contract for professional computer services for an Service Agreement for Computers and Peripherals proposal which is attached and made part of this resolution be awarded to Tri-State Technical Computer Services, Inc., of 442 Lafayette Avenue, Hawthorne, New Jersey 07506 in the amount of \$9,275.00 for the period January 1, 2022 through December 31, 2022 for the service contract, and \$80.00 for labor rate as described in the Service Agreement;

**WHEREAS**, the Certified Municipal Finance Officer has certified the availability of funds; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be published in an Official Newspaper, be on file, available for public inspection, in the office of the Municipal Clerk, 12 Mercedes Drive, Montvale, NJ 07645.

**30-2022 Award Professional Service Contract Administrative Agent for the Borough consistent with N.J.A.C. 5:80-26.14 and to coordinate the affirmative marketing, review and approval of the sale and rental of affordable units in the Borough of Montvale/Piazza & Associates, Inc.**

**WHEREAS**, the Borough of Montvale requires the services of an experienced, qualified agency to serve as Administrative Agent for the Borough consistent with N.J.A.C. 5:80-26.14 and to coordinate the affirmative marketing, review and approval of the sale and rental of affordable units in the Borough of Montvale, and the income qualification of the applicants who seek to reside in such units; and

**WHEREAS**, such services have previously been provided to the Borough by the Bergen County Housing Authority, which has advised the Borough that it will no longer be providing such services in connection with affordable rental units in the Borough and future sale units; and

**WHEREAS**, the Borough is in receipt of a proposal from Piazza & Associates, Inc., 216 Rockingham Row, Princeton Forrestal Village, Princeton, New Jersey 08540 to perform such services as is more particularly detailed in a document entitled, "Proposal Submitted To The Borough of Montvale, Bergen County, New Jersey, which is hereto attached to the original of this resolution; and

**WHEREAS**, said services constitute a professional service under the Local Public Contracts Law; and

**WHEREAS**, the Chief Financial Officer of the Borough has certified that funding is available for such services.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale that it does hereby approve the aforesaid proposal with Piazza & Associates, Inc. for a one (1) year period in accordance with the draft Contract, provided that Piazza & Associates, Inc. submits documentation

consistent with N.J.S.A. 19:44A-8 and 16 that it has not made a reportable contribution to any candidate for local office in Montvale or any political committee in the Borough; and  
**BE IT FURTHER RESOLVED** that Mayor and Borough Clerk/Administrator be and are hereby authorized to execute the Contract on behalf of the Borough.

**31-2022 A Resolution of the Borough of Montvale Awarding a Contract To Flanagan Productions, LLC, as an Extraordinary Unspecifiable Service for Montvale Graphic Design Borough Newsletter**

**WHEREAS**, the Borough of Montvale is desirous of continuing the services of a professional company for the graphic design of the Borough newsletter to better service the Borough's residents and visitors of the Borough; and

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

**WHEREAS**, the Borough has received a proposal for the year 2022 to provide such services from John Flanagan of Flanagan Productions, LLC, said proposal is attached to the original of this resolution; and

**WHEREAS**, the Council is therefore desirous of awarding a contract to Flanagan Productions to perform the above-referenced services for the price and on the terms set forth in the Flanagan Productions Proposal; and

**WHEREAS**, because the value of this contract exceeds the Borough's applicable pay-to-play threshold, it shall be awarded pursuant to the "alternative" provisions of *N.J.S.A. 19:44A-20.4*, et seq., and Flanagan Productions has provided a Business Entity Disclosure Certification and all other appropriate documentation pertaining to same.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Montvale that a contract is hereby awarded to Flanagan Productions, for the price and on the terms set forth in the Proposal submitted by Flanagan Productions; and

**BE IT FURTHER RESOLVED** that the pricing for this contract shall be as set forth in the Flanagan Productions proposal but shall not exceed \$1,140.00 without further authorization of the Borough Council, and shall be for a term of one (1) year.

**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, subject to approval as to form by the Borough Attorney.

**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 Municipal Clerk.

**32-2022 A Resolution of the Borough of Montvale Awarding a Contract to Spatial Data Logic, Inc. (formally GovSites) as an Extraordinary Unspecifiable Service for Website Design, Web Manage, Hosting and Support and Related Services**

**WHEREAS**, the Borough of Montvale is desirous of continuing the services of a professional company to redesign, host and support the Borough's website and related web applications and social media in order to better service the Borough's residents and visitors to the Borough's website; and

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

**WHEREAS**, the Borough has received a proposal for the year 2022 to provide such services from Spatial Data Logic, Inc. (formally GovSites), said proposal is attached to the original of this resolution; and

**WHEREAS**, the Council is therefore desirous of awarding a contract to Spatial Data Logic Inc. to perform the above-referenced services for the prices and on the terms set forth in the attached proposal; and

**WHEREAS**, because the value of this contract exceeds the Borough's applicable pay-to-play threshold, it shall be awarded pursuant to the "alternative" provisions of *N.J.S.A. 19:44A-20.4*, et seq., and Spatial Data Logic, Inc. has provided a Business Entity Disclosure Certification and all other appropriate documentation pertaining to same.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Montvale that a contract is hereby awarded to Spatial Data Logic Inc. for website design, managing, hosting and support, and related services, for the prices and on the terms set forth in the Proposal submitted by Spatial Data Logic, Inc. ; and

**BE IT FURTHER RESOLVED** that the pricing for this contract shall be as set forth in the Spatial Data Logic, Inc. proposal but shall not exceed \$19,625.00 without further authorization of the Borough Council, and shall be for a term of one (1) year.

**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, subject to approval as to form by the Borough Attorney.

**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 Municipal Clerk.

**33-2022 A Resolution Awarding a Professional Services Contract to Jeffrey R. Surenian and Associates, LLC to Serve as Special Counsel in Connection with the Borough's Affordable Housing**

**WHEREAS**, the Governing Body is desirous of hiring Special Counsel to represent the Borough in connection with the Borough's affordable housing; and

**WHEREAS**, the Borough has received a proposal from. Surenian, Edwards & Nolan, LLC, 311 Broadway, Suite A, Point Pleasant Beach, NJ 08742, to perform all services necessary and appropriate in connection with same; and

**WHEREAS** Surenian, Edwards & Nolan proposal sets forth the following rates:

- (a) \$200.00 per hour for all time spent by Jeffrey R. Surenian;
- (b) \$190.00 per hour for all time spent by Michael J. Edwards
- (b) \$185.00 per hour for all time spent by other attorney's
- (e) \$90.00 per hour for all paralegal work; and

**WHEREAS**, the Governing Body is satisfied that Mr. Surenian and his firm possess the requisite experience pertaining to such matters; and

**WHEREAS**, pursuant to *N.J.S.A. 40A:11-5(a)(i)*, a professional services contract is exempt from public bidding requirements; and

**WHEREAS**, because the value of this contract is anticipated to be in excess of \$15,000 (the Borough's local pay-to-play limit), this contract has been awarded under the "alternative process" pursuant to *N.J.S.A. 19:44A-20.4* et seq. (the "Pay-to-Play Law"), and has been awarded to the contractor based upon the merits and abilities of the contractor to provide the services necessary; and

**WHEREAS**, because this contract has been awarded under the "alternative process," Mr. Surenian has completed and submitted a Business Entity Disclosure Certification which certifies that neither he nor his firm has made any reportable contributions (\$300 or more) to a political or candidate committee in the Borough of Montvale with the elected officials in the previous one year, and that the contract will prohibit said persons and entities from making any reportable contributions (\$300 or more) through the term of the contract; and

**WHEREAS**, the Governing Body is desirous of awarding a contract to Jeffrey R. Surenian and Associates, LLC, in an amount not to exceed \$15,000.00 without further authorization of the Governing Body, at the hourly rates set forth above; and

**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 a contract is hereby awarded to L Surenian, Edwards & Nolan LC to serve as Special Counsel in connection with the Borough's Affordable Housing Litigation, pursuant to the terms and conditions set forth herein.

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized and empowered to execute a contract consistent with the provisions and intent of this Resolution, subject to approval of same by the Borough Attorney.

**BE IT FURTHER RESOLVED** that the Borough Clerk shall publish notice of this contract award in the official newspaper of the Borough, in accordance with *N.J.S.A. 40A:11-5*.

**34-2022 Awarding a Professional Service Contract for the Position of Municipal Prosecutor for the Pascack Joint Municipal Court to Dario, Albert, Metz, Eyerman, Canda, Concannon, Ortiz & Krouse, LLC**

**WHEREAS**, the Pascack Joint Municipal Court has a need to contract with a licensed attorney or firm to serve as the municipal prosecutor pursuant to *N.J.S.A. 2B:24-1*, et seq.; and

**WHEREAS**, the Pascack Municipal Court Committee agreed to acquire Attorney Services through the alternate process pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5*; and,

**WHEREAS**, it is the desire of the Pascack Joint Municipal Court to appoint the firm of Dario, Albert, Metz, Eyerman, Canda, Concannon, Ortiz & Krouse, LLC as the municipal prosecutor, with Brian E Eyerman, Esq. serving as the lead attorney; and

**WHEREAS**, it is expected that Brian E. Eyerman Esq. will serve as the primary municipal prosecutor and will handle all matters and attend all sessions of the Pascack Joint Municipal Court barring exceptional circumstances; and

**WHEREAS**, the compensation of the municipal prosecutor shall be \$29,000 per year; and

**WHEREAS**, said compensation shall be included as part of the Operational Costs for the Pascack Joint Municipal Court as per the agreement between the participating municipalities; and

**WHEREAS**, the term of this contracts shall commence as of the date of this resolution, and shall continue for the remainder of the calendar year 2022; and

**WHEREAS**, the Certified Municipal Finance Officer has the availability of funds; and,

**WHEREAS**, the Local Public Contracts Law (*N.J.S.A. 40A:11-1*, et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and Contracts must be available for public inspection.

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

1. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with *N.J.S.A. 40A:11-5(1)(a)* of the Local Public Contracts Law, because the services are to be performed by a person authorized by law to practice a recognized profession.
2. The Contracts, including the terms of compensation for each professional, shall be placed on file with this resolution.
3. A Notice of this action shall be printed once in the official newspaper of the Borough.

**35-2022 Award Professional Service Contract/Public Defender/Alternate Public Defender/Pascack Joint Municipal Court to Aronsohn, Weiner, Salerno & Kaufman**

**WHEREAS**, the Pascack Joint Municipal Court has a need to contract for the services of various professionals to serve as the municipal public defender or alternate public defender, pursuant to *N.J.S.A. 2B:24-1*, et seq.; and

**WHEREAS**, the Pascack Municipal Court Committee agreed to acquire Public Defender Services through the alternate process pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5*; and,

**WHEREAS**, there are occasions when the appointed municipal public defender may have a conflict of interest, thus creating a need for an alternate public defender; and

**WHEREAS**, it is the desire of the Pascack Joint Municipal Court to appoint the following individuals to the positions set forth below:

Public Defender: Gerald R. Salerno, Esq.

Alternate Public Defender: Salvatore Sciafani, Esq.

**WHEREAS**, the salary of the Public Defender shall be \$10,000; and

**WHEREAS**, said salaries shall be included as part of the Operational Costs for the Pascack Joint Municipal Court as per the agreement between the participating municipalities; and

**WHEREAS**, any compensation to be paid to the Alternate Public Defender shall be paid by the Public Defender, as appropriate; and

**WHEREAS**, the term of these contracts shall commence on January 1, 2021, and shall continue for the remainder of the calendar year 2021; and

**WHEREAS**, the Certified Municipal Finance Officer has the availability of funds; and,

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and Contracts must be available for public inspection.

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

1. These Contracts are awarded without competitive bidding as "Professional Services" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law, because the services are to be performed by a person authorized by law to practice a recognized profession.

2. A Notice of this action shall be printed once in the official newspaper of the Borough.

**36-2022 Authorize Contract NorthWest Bergen Regional Health Commission / Years 2022-2023**

**WHEREAS**, the Board of Health of the Borough of Montvale has received and reviewed the proposal from NorthWest Bergen Regional Health Commission; and

**WHEREAS**, said attached proposal for a two-year (2) contract which has been reviewed and approved by the Board of Health on December 6, 2021; and

**WHEREAS**, the Montvale Board of Health recommends this one-year Health Services contract with Northwest Regional Board of Health Commission based upon services provided; and

**WHEREAS**, it is the intention of the Mayor and Council to provide funds in the year 2022 and year 2023 Budget for this contract in the Borough of Montvale's Board of Health Budget; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the contract for Health Services for year 2022 be and is hereby awarded to NorthWest Bergen Regional Health Commission, 20 West Prospect Street, Waldwick, NJ 07463, NJ pursuant to the terms and conditions and rates as outlined in the attached contract effective January 1, 2022, copy of which is attached to this resolution for the base amount of \$61,908.00 for year 2022 and \$62,844 for year 2023 as outlined in the attached proposal.

**37-2022 Authorize Contract Health Awareness Regional Program (HARP) / Hackensack Meridian Health Hackensack University Medical Center**

**WHEREAS**, the Board of Health of the Borough of Montvale has received and reviewed the proposal from Hackensack Meridian Health, Hackensack University Medical Center (HARP) on Monday, December 6, 2021 at their regular meeting; and

**WHEREAS**, said attached proposal has been reviewed and approved by the Board of Health; and

**WHEREAS**, the Board of Health recommends the Health Department Services of Hackensack Meridian Health, Hackensack University Medical Center based upon the services provided by the Agency; and

**WHEREAS**, it is the intention of the Mayor and Council to provide funds in the year 2022 Budget for this contract for public health services, administrative services, health education, public health nursing and other related services as outlined in the attached contract; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the contract for Health Services for 2022 be and is hereby awarded to Hackensack Meridian Health, Hackensack University Medical, Center, Hackensack, NJ 07601 pursuant to the terms and conditions as outlined in the attached contract effective January 1, 2022, copy of which is attached to this resolution in the amount of \$12,081.00 payment as outlined in the attached proposal.

**38-2022 A Resolution Authorizing the Borough of Montvale Police Department to Apply, Enroll and Participate in the Department of Defense Law Enforcement Support Office ("LESO") 1033 Program to Enable the Montvale Police Department to Request and Acquire Excess Department of Defense Equipment**

**WHEREAS**, the Department of Defense Law Enforcement Support Office ("LESO") facilitates a law enforcement support program, which originated from the National Defense Authorization Act of Fiscal Year 1997; and

**WHEREAS**, Federal law permits the Secretary of the United States Department of Defense to transfer to municipal, federal and State agencies personal property of the Department of Defense that the secretary determines is suitable for use by agencies in law enforcement activities; and

**WHEREAS**, informally known as the "1033 Program", this initiative allows local law enforcement agencies to obtain, at little or no cost, surplus federal property, including vehicles, small arms, rescue equipment, medical supplies, and even office supplies originally intended for use by the United States Armed Forces; and

**WHEREAS**, although equipment is provided through the 1033 Program at no cost to municipal law enforcement agencies, these entities are responsible for costs associated with the maintenance, fueling and upkeep of this equipment, and for specialized training for its operation; and

**WHEREAS**, on March 16, 2015, Governor Christie signed Senate Bill No. 2364 (P.L. 2015, c.23), which now establishes, in the absence of federal requirements, a system of local oversight over local law enforcement agencies that participate in and acquire equipment through the 1033 Program; and

**WHEREAS**, pursuant to N.J.S.A. 40A:5-30.2a, municipal governing bodies must now authorize participation in the 1033 Program by a "resolution adopted by a majority of the full membership of the governing body of a local unit prior to transmittal of any such application to the State Coordinator" of the 1033 Program; and

**WHEREAS**, pursuant to N.J.S.A. 40A:5-30.2b, the acquisition of any property by a local law enforcement agency shall be approved by a "resolution adopted by a majority of the full membership of the governing body"; and

**WHEREAS**, the Chief of Police of the Montvale Police Department has requested that the Governing Body authorize the Police Department to participate in the 1033 Program; and

**WHEREAS**, the Governing Body of the Borough of Montvale has determined that it is in the best interests of the residents of the Borough of Montvale to authorize the Police Department to apply, enroll and participate in the 1033 Program.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, as follows:

1. The Chief of Police or his designee, on behalf of the Montvale Police Department, is hereby authorized and empowered to apply, enroll and participate in the Department of Defense Law Enforcement Support Office 1033 Program, with the authorization to participate terminating on December 31 of the current calendar year.
2. The Chief of Police shall be responsible for ensuring compliance with the requirements for participation as outlined in 10 U.S.C. 2576a for all controlled equipment.
3. The Montvale Police Department is hereby authorized to acquire items of non-controlled property designated as DEMIL A, which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Montvale Police Department, without restriction.

4. The Montvale Police Department is further authorized to acquire the identified "DEMIL B through Q" property on Exhibit A, attached hereto and expressly made a part hereof, if it shall become available in the period of time for which this resolution authorizes.
5. The Police Chief shall develop and implement a full training plan and policy for the maintenance and use of any acquired property; and
6. Pursuant to N.J.S.A. 40A:5-30.2b, the Chief of Police, or his designee, shall maintain an inventory of surplus property obtained under the 1033 Program, and shall provide a quarterly accounting of all property obtained through the 1033 Program, which shall be available to the public upon request; and
7. This resolution shall take effect immediately and shall be valid to authorize requests to acquire the above-identified DEMIL A property and DEMIL B through Q property that may be made available through the 1033 Program during the period of time for which this resolution authorizes, with Program participation and all property request authorization terminating on December 31 of the current calendar year.

**39-2022 A Resolution Extending Affordable Housing Restrictions on Certain Existing Affordable Housing Units in the Summit Ridge Condominium Development**

**WHEREAS**, the Uniform Housing Affordability Controls ("UHAC"), specifically N.J.A.C. 5:80-26.25(a), "Municipal rejection of repayment option on 95/5 units," provides that "a municipality shall have the right to determine that the most desirable means of promoting an adequate supply of low- and moderate-income housing is to prohibit the exercise of the repayment option and maintain controls on lower income housing units sold within the municipality beyond the period required by N.J.A.C. 5:93-9.2, 'Length of Controls'; and

**WHEREAS**, such a determination shall be made by resolution of the municipal governing body and shall be effective upon filing with the New Jersey Council on Affordable Housing ("COAH") and/or the New Jersey Superior Court pursuant to the New Jersey Supreme Court's decision in In Re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015); and

**WHEREAS**, the municipality's resolution must specify the time period for which the repayment option shall not be applicable, and that during such period, no seller in the municipality may utilize the repayment option permitted by N.J.A.C. 5:93-9.8, "Seller option; sales units"; and

**WHEREAS**, pursuant to N.J.A.C. 5:80-26.25(b) a municipality that exercises the option outlined above shall: (1) provide public notice in a newspaper of general circulation; and (2) notify the administrative agent and COAH and/or the Superior Court of its governing body's action; and

**WHEREAS**, the municipality's administrative agent shall ensure that the deed restriction on all affected housing units reflects the extended period of controls; and

**WHEREAS**, N.J.A.C. 5:80-26.25 is the successor regulation to the regulations COAH adopted in 1989 pursuant to which COAH recognized that an affordable unit as "a precious resource and efforts should be made to retain or supplement affordable housing, and that municipalities should have the first option to structure programs that accomplish this goal. Therefore, the Council structured the amendments rules to give municipalities the ability to render decisions on each affordable unit prior to the State exercising any option" (21 NJR 2020); and

**WHEREAS**, pursuant to these principles, COAH empowered municipalities (a) to capture 95 percent of the differential between the fair market value of an affordable unit and the maximum restricted price of the affordable unit at the first nonexempt sale of the unit following the expiration of affordable housing restrictions; or (b) to forego the differential and to keep the unit restricted to low- or moderate-income households (hereinafter "95/5 protocols"); and

**WHEREAS**, COAH incorporated the 95/5 protocols established in its 1989 regulations in Subchapter 9 of the Round 2 regulations COAH adopted on June 6, 1994 (N.J.A.C. 5:93-9.1 et seq.); and

**WHEREAS**, the New Jersey Housing and Finance Agency adopted the UHAC regulations in 2001 and amended those regulations in 2004 wherein it incorporated the 95/5 protocols COAH had previously established; and

**WHEREAS**, the Master Deed for the Summit Ridge Condominium development ("Summit Ridge") is dated February 24, 1999, and it was filed with the Bergen County Clerk's Office on March 16, 1999, in Book 8152, Page 516, (the "Master Deed"); and

**WHEREAS**, the Summit Ridge development includes twelve (12) low- and moderate-income restricted units, which low- and moderate-income restricted units are identified below:

Address	Type	Block	Lot	Qualifier	Date of Initial Sale	Initial Expiration Date of Affordability Controls	Extended Expiration Date of Affordability Controls
108 Gelnaw Lane	S	1002	6.08	c0008	10/17/2001	10/17/2021	10/17/2051
109 Gelnaw Lane	S	1002	6.09	c0009	1/4/2002	1/4/2022	1/4/2052
110 Gelnaw Lane	R	1002	6.10	c0010	12/31/2001	12/31/2021	12/31/2051
134 Green Way	S	1002	6.34	c0034	11/3/2000	11/3/2020	11/3/2050
135 Green Way	R	1002	6.35	c0035	1/31/2002	1/31/2022	1/31/2052
136 Green Way	S	1002	6.36	c0036	5/11/2001	5/11/2021	5/11/2051
149 Green Way	S	1002	6.49	c0049	4/19/2000	4/19/2020	4/19/2050
150 Green Way	S	1002	6.50	c0050	10/30/2000	10/30/2020	10/30/2050
151 Green Way	S	1002	6.51	c0051	3/17/2000	3/17/2020	3/17/2050
155 Green Way	S	1002	6.55	c0055	1/4/2002	1/4/2022	1/4/2052
156 Green Way	S	1002	6.56	c0056	7/28/2000	7/28/2020	7/28/2050
157 Green Way	S	1002	6.56	c0057	11/3/2000	11/3/2020	11/3/2050

(hereinafter the "Affordable Units"); and

**WHEREAS**, Paragraph 27 of the Summit Ridge Master Deed mandates that the Affordable Units are "subject to the terms and conditions, restrictions, limitations and provisions as set forth in the Affordable Housing Plan" that is attached as an Exhibit to the Master Deed; and

**WHEREAS**, Section III of the Affordable Housing Agreement attached as an Exhibit to the Master Deed sets forth that the restrictions set forth therein extend for a minimum period of twenty (20) years (the "Affordability Controls"); and

**WHEREAS**, Section III also provides that "[t]he terms, restrictions and covenants of this Affordable Housing Agreement may be extended by municipal resolution as provided for in N.J.A.C. 5:92.1 et seq. [and] [s]uch municipal resolution... shall be effective upon filing with [COAH] and the [Bergen County Housing] Authority"; and

**WHEREAS**, the individual deeds associated with each of the Affordable Units each contain a restrictive covenant that the ownership and use of the units shall be "in accordance with and subject to the terms, conditions, covenant, restrictions and other provisions of the Master Deed dated February 24, 1999 and recorded on March 16, 1999 in Block 8152 page 516, in the Office of the Clerk of Bergen County, New Jersey, creating and establishing said Condominium (collectively the "Master Deed" and as amended)"; and

**WHEREAS**, the individual deeds associated with each of the Affordable Units also each contain a restrictive covenant that “[t]he Grantee’s right title and interest in this unit and the use, sale, resale and rental of this property are subject to the terms, conditions, restrictions, limitations and provisions as set forth in the Affordable Housing Plan which is filed in the Bergen County Clerk’s Office and is also on file with the Housing Authority of Bergen County”; and

**WHEREAS**, it is the intention of the Borough of Montvale to extend the Affordability Controls for all of the Affordable Units for an additional period of thirty (30) years from the date of expiration of the initial 20-year control period; and

**WHEREAS**, the Affordable Housing Agreement further provides that “[t]he provisions of this Affordable Housing Agreement shall constitute covenants running with the land with respect to each Affordable Housing unit affected hereby, and shall bind all Purchasers and Owners of each Affordable Housing unit, their heirs, assigns and all persons claiming by, through or under their heirs, executors, administrators and assigns for the duration of this Agreement as set forth herein”; and

**WHEREAS**, because the Master Deed, the individual deeds for the Affordable Units and the Affordable Housing Agreement specifically grant the Borough the authority to extend the period of restrictions by resolution, and that right constitutes a covenant running with the land, which binds all owners, the Borough is authorized to extend the period of controls on the Affordable Units by way of adoption of a resolution extending controls, which is consistent with the court’s holding in Society Hill at Piscataway, et als., v. Township of Piscataway, 445 N.J. Super. 435 (Law Div. 2016); and

**WHEREAS**, N.J.A.C. 5:94-4.16 requires that in order to extend the Affordability Controls on an Affordable Unit, the “municipality shall be required to obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted ownership unit meets all code standards upon the first transfer of title following” the expiration of the original period of restrictions, and N.J.A.C. 5:97-6.14 contains a similar requirement; and

**WHEREAS**, the Borough has determined that the most desirable means of promoting an adequate supply of low- and moderate-income housing in the Borough of Montvale is to prohibit the exercise of any repayment option on the 10 for-sale Affordable Units and to maintain the Affordability Controls on the 12 Affordable Units (which includes 2 rental units) for an additional thirty-year term.

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

The Repayment Option applicable to the Affordable Units shall not be permitted from the date of this Resolution until the expiration of the extended Affordability Controls shown in the below chart.

The Affordability Controls are extended as follows:

Address	Type	Block	Lot	Qualifier	Date of Initial Sale	Initial Expiration Date of Affordability Controls	Extended Expiration Date of Affordability Controls
108 Gelnaw Lane	S	1002	6.08	c0008	10/17/2001	10/17/2021	10/17/2051
109 Gelnaw Lane	S	1002	6.09	c0009	1/4/2002	1/4/2022	1/4/2052
110 Gelnaw Lane	R	1002	6.10	c0010	12/31/2001	12/31/2021	12/31/2051
134 Green Way	S	1002	6.34	c0034	11/3/2000	11/3/2020	11/3/2050
135 Green Way	R	1002	6.35	c0035	1/31/2002	1/31/2022	1/31/2052
136 Green Way	S	1002	6.36	c0036	5/11/2001	5/11/2021	5/11/2051

**BOROUGH OF MONTVALE****JANUARY 11, 2022**

149 Green Way	S	1002	6.49	c0049	4/19/2000	4/19/2020	4/19/2050
150 Green Way	S	1002	6.50	c0050	10/30/2000	10/30/2020	10/30/2050
151 Green Way	S	1002	6.51	c0051	3/17/2000	3/17/2020	3/17/2050
155 Green Way	S	1002	6.55	c0055	1/4/2002	1/4/2022	1/4/2052
156 Green Way	S	1002	6.56	c0056	7/28/2000	7/28/2020	7/28/2050
157 Green Way	S	1002	6.56	c0057	11/3/2000	11/3/2020	11/3/2050

1. During the period of extended Affordability Controls no seller of any of the 12 Affordable Units may utilize the repayment option shown in N.J.A.C. 5:93-9.8.
2. The Borough Construction Official is hereby directed, authorized and empowered to inspect the Affordable Units to comply with the requirements of N.J.A.C. 5:94-4.16 and N.J.A.C. 5:97-6.14
3. The Borough Clerk is authorized and directed to print this Resolution in full in the official newspaper of the Borough, and to notify the Affordable Housing Administrative Agent, COAH and the Superior Court of the Borough's action.
4. The Affordable Housing Administrative Agent shall ensure the deed restriction imposing Affordability Controls on all affected 12 Affordable Units extends until the dates shown in the above chart.
5. This Resolution shall evidence pursuant to N.J.A.C. 5:94-4.16(a) and N.J.A.C. 5:97-6.14(b)(2) (Extension of Expiring Controls) that the Affordability Controls have been extended in accordance with the Uniform Housing Affordability Controls ("UHAC"), and bonuses) to address a portion of its Fourth Round fair share obligation through the extension of the Affordability Controls in accordance with N.J.A.C. 5:97-9, UHAC and the New Jersey Supreme Court's decision in In Re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015).
6. All of the Affordable Units shall remain subject to the requirements of UHAC and the Affordability Controls, as may be amended and supplemented from time to time, during the extended Affordability Control period and until the Borough of Montvale elects to release the Affordable Units from such requirements.

**40-2022 Award Professional Service Contract / Survey, Design and Bidding Services / LaTrenta Parking Lot Improvements / Colliers Engineering & Design**

**WHEREAS**, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide professional services for survey, design and bidding services for LaTrenta Field and

Parking Lot Improvements; and

**WHEREAS**, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

**WHEREAS**, Colliers Engineering & Design, 400 Valley Road, Suite 304, Mt. Arlington, NJ 07856 has submitted a proposal dated December 16, 2021 to provide the engineering administrative services which are detailed and attached to the original of this resolution, and

**WHEREAS**, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

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

- 1) That the proposal for the scope of engineering administrative services is attached to this resolution which is made part of this resolution shall be awarded to Colliers Engineering & Design
- 2) That the following be provided:
  - 1) Topographic Survey - \$9,500.00
  - 2) Design & Bidding - \$35,000.00
- 3) The cost not to exceed shall be \$44,500.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be published an official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Municipal Clerk, Municipal Complex, 12 Mercedes Drive, Montvale, NJ 07645.

**41-2022 Award Professional Service Contract / Design and Bidding Services / NJDOT FY2021 – Various Streets, Craig Road / Colliers Engineering & Design**

**WHEREAS**, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide professional services for design and bidding services for NJDOT FY2021 – Various Streets, Craig Road; and

**WHEREAS**, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

**WHEREAS**, Colliers Engineering & Design, 400 Valley Road, Suite 304, Mt. Arlington, NJ 07856 has submitted a proposal dated December 16, 2021 to provide the engineering administrative services which are detailed and attached to the original of this resolution, and

**WHEREAS**, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

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

- 1) That the proposal for the scope of engineering administrative services is attached to this resolution which is made part of this resolution shall be awarded to Colliers Engineering & Design
- 2) That the following be provided:
  - a) Design & Bidding - \$32,500.00
  - b) The cost not to exceed shall be \$32,500.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be published an official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Municipal Clerk, Municipal Complex, 12 Mercedes Drive, Montvale, NJ 07645.

**42-2022 Award Professional Service Contract / Montvale Firehouse Roof Inspection / Colliers Engineering & Design**

**WHEREAS**, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide professional services for roof inspector/consultant to inspect the Montvale Firehouse roof; and

**WHEREAS**, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

**WHEREAS**, Colliers Engineering & Design, 400 Valley Road, Suite 304, Mt. Arlington, NJ 07856 has submitted a proposal dated December 28, 2021 to provide the engineering administrative services which are detailed and attached to the original of this resolution, and

**WHEREAS**, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

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

- 1) That the proposal for the scope of engineering administrative services is attached to this resolution which is made part of this resolution shall be awarded to Colliers Engineering & Design
- 2) That the following be provided:
  - 1) Roof Maintenance Systems, Sub-Consultant Inspection - \$5,000.00
- 3) The cost not to exceed shall be \$5,000.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be published an official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Municipal Clerk, Municipal Complex, 12 Mercedes Drive, Montvale, NJ 07645.

**43-2022 Authorizing Two Year (2) Field License Agreement with the Montvale Board of Education**

**BE RESOLVED**, the Board of Education and the Borough of Montvale are the owners of certain land which is devoted to recreational uses more particularly know as Memorial School Fields and Fieldstone School Fields; and

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Montvale that the attached two year Field License Agreement with the Montvale Board of Education and the Borough of Montvale has been reviewed and will be provided to the Pascack Valley Department of Public Works Superintendent; and

**NOW THEREFORE BE IT RESOLVED**, that the Governing Body hereby authorizes the execution of the attached Agreement to commence on January 1, 2022 through December 31, 2024 which includes the Maintenance of Fields on behalf of the Borough of Montvale.

**46-2022 A Resolution Authorizing a Settlement Agreement and Release With P.O. Walter Marsico**

**WHEREAS**, P.O. Walter Marsico has been employed within the Borough of Montvale Police Department; and

**WHEREAS**, the Borough and Marsico desire to resolve any and all outstanding issues arising out of or related to his employment with the Borough.

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

1. The Settlement Agreement and Release between the Borough of Montvale and P.O. Walter Marsico is hereby approved.
2. The resignation of P.O. Walter Marsico effective February 1, 2022, is hereby accepted by the Borough.

3. The Mayor and Borough Clerk are hereby directed, authorized and empowered to execute the Settlement Agreement and Release in the form approved by the Borough Attorney and Borough Labor Counsel.
4. All other appropriate employees, officials and officers of the Borough are hereby directed, authorized and empowered to execute all documents and take all steps reasonably necessary to effectuate the purposes and provisions of this Resolution and the Settlement Agreement and Release.
5. This Resolution shall take effect immediately.

**47-2022 Refund Tax Overpayment / Block 1903; Lot 7 / 2 Paragon Drive**

**WHEREAS**, a resolution authorizing the Borough of Montvale to refund an overpayment of taxes for Block 1903; Lot 7, 2 Paragon Drive, also known as Village Springs at Montvale; and

**WHEREAS**, the above parcel was split into 80 lots, therefore resulting in an overpayment on the main Block 1903; Lot 7; 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 Toll Brothers c/o Zipp & Tannenbaum, LLC, 280 Raritan Center Parkway, Edison, NJ 08837 in the amount of \$109,396.00

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

**29 -2022 Authorize Contract Animal Control Services/Tyco**

**WHEREAS**, the Board of Health of the Borough of Montvale has received a proposal from Tyco Animal Control Service, 1 Stout Lane, Ho-Ho-Kus, NJ.

**WHEREAS**, said proposal has been reviewed and approved by the Board of Health; and

**WHEREAS**, the Board of Health recommends this contract with Tyco Animal Control Service based upon prior services provided; and

**WHEREAS**, it is the intention of the Mayor and Council to provide funds in the year 2022 Budget for this contract, Other Expense Portion of the Animal Control Services Budget; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the contract for Animal Control Services for 2022 be and is hereby awarded to Tyco Animal Control Service, 1 Stout Lane, Ho-Ho-Kus, NJ 07423 pursuant to the terms and conditions and rates as outlined in the attached contract effective January 1, 2022, copy of which is attached to this resolution for the base amount of \$11,040.00 annually payable monthly with additional costs charged per the rates as outlined in the attached proposal

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

**44-2022 Authorize The Cancellation of Entire Year 2022 Property Taxes and All Future Taxes Due To Granting Of Totally Disabled Veteran Status By Department Of Veterans Affairs**

**WHEREAS**, this resolution authorizes the municipality to cancel all property taxes for the year 2022 and for all future taxes due to the granting of totally disabled veteran status by the Department of Veterans Affairs per the Department's letter attached to the original resolution, for Michael Kaplowitz. Mr. Kaplowitz is the owner of 5 N. Middletown Road, Block 1709, Lot 2.

**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 cancel all 2022 taxes and all future taxes as per the above.

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

**45-2022 Authorize The Cancellation of Entire Year 2022 Property Taxes and All Future Taxes Due To Granting Of Totally Disabled Veteran Status By Department Of Veterans Affairs**

**WHEREAS**, this resolution authorizes the municipality to cancel all property taxes for the year 2022 and for all future taxes due to the granting of totally disabled veteran status by the Department of Veterans Affairs per the Department's letter attached to the original resolution, for Richard Kuiters.

Mr. Kuiters is the owner of  
19 Murray Road, Block 2509, Lot 3.

**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 cancel all 2022 taxes and all future taxes as per the above.

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

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

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

**REPORT OF REVENUE:** Municipal Clerk read the Report of Revenue - December

**COMMITTEE REPORTS:**

**Councilmember President Russo-Vogelsang**

**Seniors**

Had their New Year's party, 43 people attended; due to the Covid numbers on the rise, the center will be closed until February 1<sup>st</sup>. All activities at the senior center have been cancelled.

**Councilmember Arendacs**

**DPW**

Thanked DPW for their work with cleaning up the last storm; Jan 7<sup>th</sup> storm went flawless; potholes are being filled; continuing regular maintenance throughout the borough.

**Engineering**

Will be awarding the paving program on January 25<sup>th</sup>; due to the pricing, we will be able to add 4 more roads for a total of 14 roads.

**FAA**

Meeting is scheduled for January 26th

**Councilmember Cudequest**

**BOH**

At the start of the meeting the members had a moment of silence in honor of Councilmember Rose Curry; contracts for NorthWest Health and HARP; Fair Game Geese control contract expires in March; due to the increase in Covid cases, President Cohen polled the members for possible safety measures for borough employees and for the public; recommendations were as follows: maintain current protocol

with hand sanitizers and wearing masks in offices and in common spaces; suggested limited staffing when feasible, sanitizing office space when an employee test positive, possible testing employees on a pre-determined schedule; encouraging everyone to get vaccinated and their booster shot; possibly re-instituting taking temperatures when entering borough hall, possibly conducting business at borough hall remotely. The board members wanted to do something special in honor of Rose Curry, President Joyce Cohen read a resolution with is attached to the original minutes. The members are making a contribution to the Food Pantry in Rose's name. Next meeting will be on March 7<sup>th</sup>.

**Library**

All programs are currently virtual; you can order books for drop and go in the hallway; the children's program are virtual and they have take home arts/crafts; in 2021 they held 128 virtual adult programs and had over 1600 attendees

**Councilmember Koelling****Police**

Monthly report included in original minutes

**Planning Board**

Rules committee was established to try and research and streamline some procedures for the building department

**Councilmember Roche****Recreation**

Winter programs held at the senior center are on hold for the month of January due to increase in Covid cases; Tennis badges for the 2022 season are available for purchase at borough hall during normal business hours. Pickleball badges will be available starting January 18 at borough hall;

**Special Events Committee**

Tentative date for Day in the Park is August 27 with rain date of August 28

**MAL**

Starting the Budget process

**Councilmember Lane****Fire Dept**

22 fire calls; 2 drills, 5 extra credits; total of 280 calls in the 2021 year with 13 meetings; in the event of snow, please remember to clear out fire hydrants near your home;

**Finance**

Working through the budget process; reminder all budget meetings are open to the public, currently on zoom scheduled for Jan 24 and 31<sup>st</sup>.

**Diversity**

3 new members, Hannah Baskin, Maria Fitzgerald and Steve Frischer; will be meeting with them to discuss their budget; – meeting for budget discussions

**MAYOR**

The Covid numbers that are coming from the county are not as accurate due to the at home testing; spoke with some small business owners in town and unfortunately some will be going out of business; wanted to add for discussion at the next workshop meeting in January regarding some requests about light manufacturing companies coming into town to discuss re-zoning; have been receiving a lot of feedback from residents regarding the 1,000 pound challenge

**ENGINEER'S REPORT:**

Andrew Hipolit

Report/Update

We received bids for the road program and were happy with the pricing and will add additional roads. The firehouse roof inspection will be done next week.

**ATTORNEY REPORT:**

Joe Voytus, Esq.

Report/Update

No Report

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

None

**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 Cudequest; seconded by Councilmember Lane  
- all ayes

**No Public Comment**

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Cudequest  
- all ayes

**MEETING CLOSED TO THE PUBLIC:**

**ADJOURNMENT:**

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

Meeting was adjourned at 8:08pm

Regular Workshop Meeting of the Mayor & Council to be held at 7:30pm on January 25, 2022 on Zoom Only – no in person at this time.

Budget Meeting Dates/Times: - on Zoom Only

January 24, 2022 @ 6:00 p.m.

January 31, 2022 @ 6:00 p.m.

**ZOOM information is as follows:**

Topic: M&C Meeting

<https://us02web.zoom.us/j/88491084325?pwd=L2U5RVpYMGIMeFdaNzdGcFFWUTd3UT09>

Passcode: 222775

By phone

1 929 436 2866

Webinar ID: 884 9108 4325

Passcode: 222775

\*\*\*\*\*Disclaimer\*\*\*\*\* Subject to Additions And/Or Deletions

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