

AGENDA
WORK SESSION MEETING
BOROUGH OF MONTVALE
Mayor and Council Meeting
May 25, 2021
Meeting to Commence 7:30 P.M.
ATTENDANCE IN PERSON ONLY
(No Closed Executive Session)

ROLL CALL:

Councilmember Arendacs	Councilmember Lane
Councilmember Curry	Councilmember Roche
Councilmember Koelling	Councilmember Russo-Vogelsang

PROCLAMATION:

Girl Scout Gold Award Troop #94006 – Aria Anahita Chalileh

ORDINANCES:

PUBLIC HEARING ORDINANCE NO. 2021-1504 AN ORDINANCE TO AMEND SALARY ORDINANCE NO. 2021-1498 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 2021

MINUTES:

May 11, 2021

CLOSED/EXECUTIVE MINUTES:

None

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.

102-2021 A Resolution Awarding a Contract to Grade Construction for the Memorial Drive Synthetic Turf Bocce Ball courts Project in the Borough of Montvale

103-2021 Authorize Agreement ADA Cooperative Ramp Program/County of Bergen

104-2021 Authorize Agreement for County Road Resurfacing Program/County Roads/County of Bergen

BILLS:

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

- a. Report on Overview of Water Pressure/Water Tower/Borough of Montvale

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

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.

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

The next Meeting of the Mayor and Council will be held Thursday June 10th, 2021.

The Governing Body will be holding a hybrid method of meetings for Public Sessions held on the 2nd Tuesday of each month (with the exception of June 8th 2021- Election Day) as the Council Chambers is a polling location District 4. This Public Meeting has been re-scheduled and advertised for Thursday, June 10th 7:30 p.m. The regularly scheduled Workshop Sessions held on the last Tuesday of each month will be in person attendance only (no Zoom).

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



Borough of Montvale

May 25, 2021

*Girl Scout Gold Award- Aria Anahita Chalileh
Troop #94006*

*Congratulations on earning your Girl Scout Gold Award –
“Youth Vaping Awareness”*

It represents a significant achievement as you have demonstrated commitment, leadership, and service to your community. Only a few have shown this dedication, so I heartily commend you for undertaking such a worthwhile activity.

You have made your community very proud and I know you will use the positive values and skills you learned during this multi-year process in whatever endeavors you pursue.

Michael N. Ghassali, Mayor

Dated

BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY

ORDINANCE NO. 2021-1504

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on the 11th day of May 2021, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 25th day of May 2021 at 7:30 pm or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Maureen Iarossi Alwan, Municipal Clerk
Borough of Montvale

AN ORDINANCE TO AMEND ORDINANCE NO. 2021-1498 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

BE IT ORDAINED BY the Mayor and Council of the Borough of Montvale as follows:

SECTION 1. Each of the offices and positions of employment hereinafter named that are not established or created by virtue of any statutes or of any ordinance, resolution, or other lawful authority heretofore exercised by the Borough of Montvale, is hereby established, created, ratified and confirmed.

SECTION 2. The rate of compensation of the persons holding any of the hereinafter named offices and positions of employment whose compensation shall be on an annual basis and shall be payable semi-monthly is hereby fixed and determined to be as set opposite the title of each of the hereinafter named offices and positions of employment.

Title		2021 Salary Range	
1.	Park Monitor (PT)	\$20 - \$25	Per hour

SECTION 5. The Borough Treasurer shall present semi-monthly or as established by Resolution to the Governing Body for approval warrants drawn to the order of the Borough of Montvale Payroll Account and the Borough of Montvale Salary Account.

At the first meeting of the Governing Body in January of each year, there shall be approved accounts to be designated "The Borough of Montvale Payroll Account" and "The Borough of Montvale Salary Account" and from time to time the Borough Treasurer upon receipt of a warrant for the amount due each Payroll, shall deposit the same to the credit of these accounts, charging the appropriate budgetary accounts therewith. The Borough Treasurer shall thereafter draw checks on said accounts to the employees entitled to payment therefrom.

Any employee hired under the terms of a Special Library Grants, salary will be determined by the Authority making such grant.

The Mayor and Borough Council may by adoption of a resolution and by approved payroll advice, increase compensation (base wage adjustment or one-time merit/bonus increase) of any salaried employee in the above schedule, who has reached their maximum, up to 10% above the pay range maximum.

At each regular meeting of the Governing Body of the Borough of Montvale, the Treasurer shall submit for the approval or ratification as the case may be, the necessary payroll amounts due to the several officers and employees for compensation.

Such officers as may be determined by the Governing Body, as established by resolution, shall be authorized to sign warrants drawn in favor of the Payroll Account, upon due notice that the payrolls have been approved by the proper certifying authorities.

SECTION 6. This ordinance shall become effective upon publication as required by law, and salaries paid shall be adjusted in accordance with the terms of this ordinance.

SECTION 7. All other ordinances and parts of ordinances inconsistent herewith are hereby appealed.

SECTION 8. This ordinance shall take effect immediately upon publication in the manner provided by Law.

MICHAEL GHASSALI, Mayor

ATTEST:

MAUREEN IAROSSO-ALWAN, RMC
Municipal Clerk

INTRODUCED: 3-11-2021

Councilmember	Yes	No
Arendacs	✓	
Curry - <i>absent</i>		
Koelling	✓	
Lane	✓	
Roche	✓	
Russo-Vogelsang	✓	

ADOPTED: 3-25-2021

Councilmember	Yes	No
Arendacs		
Curry		
Koelling		
Lane		
Roche		
Russo-Vogelsang		

PUBLIC MEETING
MINUTES

The Public Meeting of the Mayor and Council was held virtually by Zoom and also held in the Council Chambers and called to order at 7:31 PM. 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, Andrew Hipolit; Administrator/Municipal Clerk, Maureen Iarossi-Alwan; and Deputy Municipal Clerk, Fran Scordo

ROLL CALL:

Councilmember Arendacs
Councilmember Curry - absent
Councilmember Koelling

Councilmember Lane
Councilmember Roche
Councilmember Russo-Vogelsang

2021 BUDGET PRESENTATION: Councilmember Timothy Lane/Finance
Councilmember Christopher Roche/Finance

PUBLIC HEARING 2021 MUNICIPAL BUDGET

Councilmembers agreed this is a good budget and thanked the finance committee for their hard work going line by line. Jeff Bliss, Borough Auditor, stated that the stimulus money is approximately \$850,000 which can be spent by 2024. The Department of Local Government Services are currently working on the guidelines as to how to use the funds. Some potential uses could be for infrastructure expenses, broadband uses, COVID related expenses. If the funds are needed this year we can do a resolution Chapter 159.

MEETING OPEN TO PUBLIC:

Municipal Budget Only

Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Roche
- all ayes

Carolee Adams

In regards to the budget presentation, the graphs were appreciated.

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

MEETING CLOSED TO PUBLIC:

Municipal Budget Only

Resolution 93-2021 Adoption of 2021 Municipal Budget

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

ORDINANCES:

PUBLIC HEARING ORDINANCE NO. 2021-1501 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, REPEALING AND REPLACING CHAPTER 274 ENTITLED "NOISE" TO READOPT CERTAIN EXISTING NOISE RESTRICTIONS

WHEREAS, the Borough of Montvale currently regulates unnecessary noise through an ordinance codified in Chapter 274 of the Borough Code entitled "Noise"; and

WHEREAS, Chapter 274 does not contain any measurable noise standards but rather prohibits noise that is unreasonable and unnecessary; and

WHEREAS, by separate ordinance, the Borough will be adopting the NJDEP Model Noise Ordinance to provide for certain measurable standards for noise complaints; and

WHEREAS, despite this, the Borough is still desirous of maintaining standards that prohibit objectively unreasonable and unnecessary noise, to protect the health, safety and welfare of the public and to help maintain the neighborhood character of the Borough.

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

Section 1. Chapter 274 shall be repealed and replaced as follows:

**Article I
Noise**

- §274-1 Unnecessary noise prohibited.**
- §274-2 Enumeration of unnecessary noises.**
- §274-3 Violations and penalties.**
- §274-4 Enforcement.**

**Article I
Noise**

§274-1 Unnecessary noise prohibited.

It shall be unlawful to make, create, cause, suffer, encourage or permit to be made any unnecessary, loud, prolonged or disturbing noise within the limits of the Borough of Montvale.

§274-2 Enumeration of unnecessary noises.

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line in an unnecessarily loud manner and which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, nor shall any person refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Police Officer or other authorized enforcement officer. The following noises, which enumeration shall not be exclusive, are declared to be a nuisance and a violation of this Article to the extent that such noises are determined to be "unreasonably and unnecessarily loud":

- A. The sounding of any horn or signal device on any premises, within any building or on any automobile, motorcycle, bus or other vehicle, except as a necessary warning or danger signal.
- B. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- C. The discharge into the open air or the exhaust of any motor vehicle or engine, except through a muffler which effectively prevents loud, explosive noises therefrom, or discharging any pistol, gun, firearm, weapon or explosive.
- D. The use, operation or running of any automobile, motorcycle, mechanical equipment or vehicle so out of repair or in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise, whether upon the streets or highways or adjacent thereto.

- E. The creation of any excessive or unnecessary noise on any street or grounds adjacent thereto within 500 feet of any school, place of worship, public meeting or court while the same is in session, or any hospital, short-term care facility or nursing home at any time which interferes with the orderly, quiet and effective conduct and operation of the same.
- F. The use of any drum, band, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any rally, performance, show, carnival, fair or the sale of either real or personal property, except when permission has been granted by the Borough or some authorized person or committee acting under its authority. This shall not be construed to prevent or limit religious, political or patriotic activities, if conducted within the limits set forth in Chapter 275 hereof.
- G. Nothing contained herein shall be construed to limit the use of a horn, buzzer, whistle or similar signaling device for control of a sporting event at any school, athletic field or similar venue, as long as any such signaling device is used solely for the reasonable control of the athletic event. Notwithstanding the foregoing, no such signaling devices shall be permitted for use other than between the following hours:
 - 1. Monday through Thursday: 8:00 a.m. through 9:00 p.m.
 - 2. Friday and Saturday: 8:00 a.m. through 10:00 p.m.
 - 3. Sunday: 9:00 a.m. through 5:00 p.m.
- H. Vibration. Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property, or at fifty (50) feet from the source if on a public space or public right-of-way. For purposes of this section, "vibration perception threshold" means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.
- I. Radios, television sets, sound amplifiers and similar devices:
 - 1. Operating or permitting the use or operation of any radio receiving set, television set, musical instrument, stereo, sound system, drum, phonograph or other device for the production or reproduction of sound, except as provided for in subsection (F) of this section hereafter set forth.
 - 2. Operating any such device on weekdays between the hours of 10:00 p.m. and 7:00 a.m. the following day and, in the event the following day is a Sunday or legal holiday, between the hours of 10:00 p.m. and 9:00 a.m. the following day, in such a manner as to be plainly audible or to create a noise disturbance across a real property boundary or through partitions common to two parties within the same building.
 - 3. Operating any such device in such a manner as to be plainly audible or to create a noise disturbance at fifty (50) feet from such device when operated in a public space or public right-of-way, when operated in or on a motor vehicle on a public space or public right-of-way or in such a manner as to be audible to any person other than the operator when operated on a common carrier by any passenger.

§274-3 Violations and penalties.

Violations of this Article shall be subject to the penalties set forth in Chapter 1, General Provisions, Article I, General Penalty.

§274-4 Enforcement.

It shall be the duty of any Police Officer of the Borough of Montvale to enforce the provisions of this Article against any person found to be violating the same.

Section 2. Severability.

If any provision or portion of a provision of this Ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated and shall remain in full force and effect.

Section 3. Effective date.

This Ordinance shall take effect immediately upon adoption and publication as required by law.

Section 4. Repeal of inconsistent ordinances.

All ordinances and parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

A motion Introduced for second reading **Ordinance No. 2021-1501** by Councilmember Koelling; seconded by Councilmember Lane; Clerk read by title only.

Motion to open meeting to public by Councilmember Lane; seconded by Councilmember Roche

- All ayes

No Public Comment

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

- all ayes

Motion to adopt on Second and Final Reading in The Bergen Record by Councilmember Roche; seconded by Councilmember Lane; Clerk read by title only. - All ayes on a roll call vote

PUBLIC HEARING ORDINANCE NO. 2021-1502 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, ADOPTING A NEW CHAPTER 275 ENTITLED "NOISE CONTROL ACT" TO ADOPT A MUNICIPAL NOISE ORDINANCE PURSUANT TO THE NOISE CONTROL ACT OF 1971

WHEREAS, the Borough of Montvale currently regulates unnecessary noise through an ordinance codified in Chapter 274 of the Borough Code entitled "Noise"; and

WHEREAS, Chapter 274 does not contain any measurable noise standards but rather prohibits noise that is unreasonable and unnecessary; and

WHEREAS, the Borough is desirous of adopting a new Chapter 275, entitled "Noise Control Act," to implement Model Noise Ordinance prepared by the New Jersey Department of Environmental Protection pursuant to the Noise Control Act of 1971, with certain amendments to incorporate a number of existing, more restrictive standards in the Borough Code; and

WHEREAS, the Borough believes that adoption of this Ordinance will allow for, in addition to existing subjective standards, a set of objective and measurable standards of noise that may be more easily enforceable in addition to the existing standards set forth in Chapter 274; and

WHEREAS, this Ordinance has been provided to the NJDEP Bureau of Local Environmental Management and has been approved; and

WHEREAS, within 30 days after adoption of this Ordinance, a copy of same shall be sent to the NJDEP by the Borough Clerk in accordance with applicable regulations; and

WHEREAS, because the NorthWest Bergen Regional Health Commission shall have enforcement powers pursuant to this Ordinance, the Borough must obtain consent of the NWBRHC and provide a copy of same to the NJDEP; and

WHEREAS, this Ordinance shall not be effective until approved by the NJDEP and the NWBRHC.

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

Section 1. The Borough Code shall be amended and supplemented by adding a new Chapter 275 entitled "Noise Control Act," as follows:

CHAPTER 275 – NOISE CONTROL ACT

Article I

Noise Control Act

- §275-1 Declaration of Findings and Policy.**
- §275-2 Definitions.**
- §275-3 Applicability.**
- §275-4 Exemptions.**
- §275-5 Enforcement Officers.**
- §275-6 Measurement Protocols.**
- §275-7 Maximum Permissible Sound Levels.**
- §275-8 Sound Production Devices.**
- §275-9 Restricted Uses and Activities.**
- §275-10 Motor Vehicles.**
- §275-11 Enforcement.**
- §275-12 Consistency, Severability and Repealer.**

Article I

Noise Control Act

§274-1 Declaration of Findings and Policy.

The Borough of Montvale has determined that: 1) excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; 2) a substantial body of science and technology exists by which excessive sound may be substantially abated; and 3) the people have a right to, and should be ensured of, an environment free from excessive sound.

It is therefore the policy of the Borough of Montvale to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This Article shall apply to the control of sound originating from sources within the Borough of Montvale.

§274-2 Definitions.

The following words and terms, when used in this Article, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this Article have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

"Minor Violation" means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

"Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

A. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or

B. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Noise Control Investigator" (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Plainly audible" means any sound that can be detected by an NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

"Sound production device" means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

"Sound reduction device" means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

§275-3 Applicability.

- A. This model noise ordinance applies to sound from the following property categories:
1. Industrial facilities;
 2. Commercial facilities;
 3. Community service facilities;
 4. Residential properties;
 5. Multi-use properties;
 6. Public and private right-of-ways;
 7. Public spaces; and
 8. Multi-dwelling unit buildings.

B. This model noise ordinance applies to sound received at the following property categories:

1. Commercial facilities;
2. Community service facilities (i.e. non-profits and/or religious facilities)
3. Residential properties;
4. Multi-use properties;
5. Multi-dwelling unit buildings.

(C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

§275-4 Exemptions.

- A. Except as provided in Sections 9 and 10 below, the provisions of this Article shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.
- B. Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.
- C. Construction and demolition activities are exempt from the sound level limits set forth in tables I and II and III except as provided for in Section 9 below.

§275-5 Enforcement Officers.

- A. Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this Article and pursue enforcement activities.
- B. Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this Article that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.
- C. Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.

§275-6 Measurement Protocols.

- A. Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in Section 6B of this Article and with the definition of "real property line" as contained herein.
- B. When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only

casual use such as hallways, closets and bathrooms.

§275-7 Maximum Permissible Sound Levels.

A. No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in Section 3A above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in Section 6B.

B. Impulsive Sound

Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

**TABLE I
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED OUTDOORS**

RECEIVING PROPERTY CATEGORY	Residential property or residential portion of a multi-use property		Commercial facility, non-residential portion of a multi-use property, or community service facility
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours
Maximum A- Weighted sound level standard, dB	65	50	65

**TABLE II
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED INDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility or non-residential portion of a multi-use property
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 Hours
Maximum A- Weighted sound level standard, dB	55	40	55

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

**TABLE III
MAXIMUM PERMISSIBLE OCTAVE BAND
SOUND PRESSURE LEVELS IN DECIBELS**

RECEIVING PROPERTY CATEGORY	RESIDENTIAL PROPERTY, OR RESIDENTIAL PORTION OF A MULTI- USE PROPERTY		RESIDENTIAL PROPERTY, OR RESIDENTIAL PORTION OF A MULTI- USE PROPERTY		COMMERCIAL FACILITY, NON- RESIDENTIAL PORTION OF A MULTI-USE PROPERTY, OR COMMUNITY SERVICE FACILITY	COMMERCIAL FACILITY OR NON- RESIDENTIAL PORTION OF A MULTI-USE PROPERTY
	OUTDOORS		INDOORS		OUTDOORS	INDOORS
Octave Band Center Frequency, Hz.	Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB
Time Freq.	7 a.m.-10 p.m.	10 p.m.-7 a.m.	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours	24 hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57
500	63	48	53	38	63	53
1,000	60	45	50	35	60	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	43	28	53	43

Note: When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

§275-8 Sound Production Devices.

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in Section 6B of this Article. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

TABLE IV
MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS
WITHIN A RESIDENTIAL PROPERTY

Week nights 10:00 p.m. - 7:00 a.m. Weekend nights 11:00 p.m. and 9:00 a.m.	All other times
3 dB(C)	6 dB(C)

§275-9 Restricted Uses and Activities.

The following standards shall apply to the activities or sources of sound set forth below:

- A. Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant may only be operated between the following hours, unless such activities can meet the applicable limits set forth in Tables I, II or III:

1. Monday through Friday: 7:00 a.m. and the earlier of sunset or 8:00 p.m.
2. Saturday: 9:00 a.m. and the earlier of sunset or 6:00 p.m.
3. Sunday: Not permitted (except landscaping activities between 9:00 a.m. and the earlier of sunset or 6:00 p.m.)

All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device. During the above time periods, the limits set forth in Table I, II or III shall not apply.

- B. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) may only be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the following hours, unless such activities can meet the limits set forth in Tables I, II or III:

1. Monday through Friday: 7:00 a.m. and the earlier of sunset or 8:00 p.m.
2. Saturday: 9:00 a.m. and the earlier of sunset or 6:00 p.m.
3. Sunday: Not permitted

All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device. During the above time periods, the limits set forth in Table I, II or III shall not apply.

- C. All construction and demolition activity, excluding emergency work, may only be performed between the following hours, unless such activities can meet the limits set forth in Tables I, II or III:

1. Monday through Friday: 7:00 a.m. and the earlier of sunset or 8:00 p.m.
2. Saturday: 9:00 a.m. and the earlier of sunset or 6:00 p.m.
3. Sunday: Not permitted

All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device. During the above time periods, the limits set forth in Table I, II or III shall not apply.

- D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. During the operation of such equipment, the limits set forth in Tables I, II or III shall not apply.

- E. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it

has been activated. During the permissible duration of operation, the limits set forth in Tables I, II or III shall not apply.

F. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound from such equipment, operated on a public space or public right-of-way, shall not be plainly audible at a distance of 25 feet in any direction from the operator.

G. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:

1. Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
2. Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

- H. Any of the foregoing time limitations may be temporarily relaxed in cases of urgent necessity or in the interest of public safety and in such cases only under written authorization from the Construction Official, or in cases where the Governing Body determines: 1) that the proposed activity will not unreasonably disturb any member of the public as a result of the creation of such noise; or 2) that the benefits of the proposed activity substantially outweigh the detriments of any such disturbance.

§275-10 Motor Vehicles.

Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.

A. No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.

B. No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.

C. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.

D. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

§275-11**Enforcement.**

A. Violation of any provision of this Article shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.

B. Any person who violates any provision of this Article shall be subject to the penalties set forth in Chapter 1, Article I, General Penalty. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

C. Upon identification of a violation of this Article the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Article that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.

D. If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section 2 of this Chapter) a NOV shall be issued to the violator.

1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.

2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by a Noise Control Officer or Noise Control Investigator, as appropriate. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.

E. If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to Chapter 1, Article I, General Penalty, will be issued. If a non-minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.

F. The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve

any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.

G. The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.

H. The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.

I. Any claim for a civil penalty may be compromised and settled based on the following factors:

1. Mitigating or any other extenuating circumstances;
2. The timely implementation by the violator of measures which lead to compliance;
3. The conduct of the violator; and
4. The compliance history of the violator.

§275-12 Consistency, Severability and Repealer.

- A. If any provision or portion of a provision of this Article is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Article shall not be invalidated.
- B. All ordinances or parts of ordinances, which are inconsistent with any provisions of this Article, are hereby repealed as to the extent of such inconsistencies.
- C. No provision of this Article shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this Article or from other law.

Section 2. Severability.

If any provision or portion of a provision of this Ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated and shall remain in full force and effect.

Section 3. Effective date.

This Ordinance shall take effect immediately upon adoption and publication as required by law.

Section 4. Repeal of inconsistent ordinances.

All ordinances and parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

A motion Introduced for second reading **Ordinance No. 2021-1502** by Councilmember Koelling; seconded by Councilmember Lane; Clerk read by title only.

Motion to open meeting to public by Councilmember Lane; seconded by Councilmember Roche - All ayes

No Public Comment

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

Motion to adopt on Second and Final Reading in The Bergen Record by Councilmember Lane; seconded by Councilmember Roche; Clerk read by title only. - All ayes on a roll call vote

INTRODUCTION ORDINANCE NO. 2021-1504 AN ORDINANCE TO AMEND SALARY ORDINANCE NO. 2021-1498 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 2021

(Public Hearing 5-25-21)

A motion to Introduce Ordinance **2021-1504** for first reading was made by Councilmember Koelling; 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

INTRODUCTION ORDINANCE NO. 2021-1505 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 400 OF THE BOROUGH CODE TO PROHIBIT THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES

(Public Hearing 6-10-21)

A motion to Introduce Ordinance **2021-1505** for first reading was made by Councilmember Koelling; 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 Koelling - a roll call was taken – all ayes

INTRODUCTION ORDINANCE NO. 2021-1506 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING THE BOROUGH CODE TO ADD A NEW CHAPTER 250 ENTITLED "LIGHTING" TO REGULATE OUTDOOR LIGHTING IN THE BOROUGH OF MONTVALE

(Public Hearing 6-10-21)

A motion to Introduce Ordinance **2021-1506** for first reading was made by Councilmember Koelling; 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

Councilmember Lane is this ordinance includes the string of lights that you would use around your deck. Mr. Voytus stated this ordinance is for lights in the public right of way, private residences including flood lights and spot lights.

MEETING OPEN TO PUBLIC:

Agenda Items Only

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

Steve Frischer

In regards to Ordinance 2021-1504, where are the funds coming from? What is the responsibility of this individual? What is their level of authority? What is the projection of revenue? Will the zoom meetings continue? Ordinance 2021-1505, there is no language right now if we do choose to opt in. What about CBD products? Wegmans, Montvale Market and 7-11 all sell hemp and CBD products Mr. Voytus, Borough Attorney, stated CBD products are excluded and will remain allowable to sell. Mayor Ghassali stated that the borough will be hiring a Park Monitor which will include all parks and courts; Councilmember Roche added that a portion of our field use fees will pay the salary of the park monitor.

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

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

April 27, 2021

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

CLOSED/EXECUTIVE MINUTES:

April 27, 2021

A motion to accept closed session minutes by Councilmember Lane; seconded by Councilmember Roche – all ayes

RESOLUTIONS: (CONSENT AGENDA*)

*All items listed on a consent agenda are considered to be routine and non-controversial by the Borough Council and will be approved by a motion, seconded and a roll call vote. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

94-2021 Governor's Council on Alcoholism & Drug Abuse Fiscal Grant Cycle July 2020-June 2025

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Montvale, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Montvale County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Montvale Municipal Alliance grant for **fiscal year 2022** in the amount of:

DEDR	\$ 3836.33
Cash Match	\$ 959.08
In-Kind	\$ 2877.25
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

96-2021 Refund Tax Overpayment / Block 803; Lot 7 / 47 Middletown Road

WHEREAS, a resolution authorizing the Borough of Montvale to refund an overpayment of taxes; and
WHEREAS, the owner of 47 Middletown Road, the Estate of Sylvia Lovenson, made a payment in error for the second quarter taxes, the property was sold in February 2021; 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 in the amount of \$748.00 to The Estate of Sylvia Lovenson, 200 F. Kearsing Parkway, Monsey, NY 10952

97-2021 Authorize Change Order No. 1 / Cifelli & Sons / NJDOT FY 2019 Edgren Way & Ramapo Road Improvements

WHEREAS, the Borough of Montvale awarded a contract via Resolution No. 105-2020 to Cifelli & Sons, 81 Franklin Ave., Nutley, NJ 07110 for the NJDOT FY 2019 Edgren Way & Ramapo Road; and

WHEREAS, the original contract amount is \$249,858.25; and

WHEREAS, the Borough Engineer, in a letter dated May 5, 2021 which is attached to the original of this resolution has been monitoring the project and recommends in detail this Change Order #1 in the amount of (\$35,817.07) and authorizes payment #2 in the amount of \$45,151.71; and

Contractor

Total Contract Amount	\$ 249,858.25
Change Order #1	(35,817.07)
Adjusted Total Contract Amount	\$ 214,041.18

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Montvale authorize Change Order #1 in the amount of \$35,817.07 is hereby approved; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds have been appropriated and are available for this purpose, a copy of said certification attached to the original copy of this Resolution

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Montvale that the above reference Change Order #1 is hereby approved.

98-2020 Authorize Hiring / Part Time on Call / Crossing Guard / Cynthia Meeks

WHEREAS, the Montvale Police Department desires to hire a part-time on call crossing guard in the Borough of Montvale; and,

WHEREAS, Cynthia Meeks has met the qualifications for this position, agrees to the terms and conditions of employment, and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that the above-named individual is hereby appointed to the position of Part-time on Call Crossing Guard, effective May 11, 2021.

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

95-2021 Refund Overpayment of Taxes/ Due to Veteran Exempt Status

WHEREAS, a resolution authorizing the Borough of Montvale to refund the following overpayment of taxes; and

WHEREAS, the owner of 26 Old Chestnut Ridge Road, E. Charles Wehrle, is totally exempt from taxes due to his Veteran status, he received, a Homestead Rebate, from the State of New Jersey, which is applied as a credit towards 2nd quarter taxes in the amount of \$996.30; and

WHEREAS, the owner of 7 Wayne Street, Ronald Waldt, is totally exempt from taxes due to his Veteran status, he received, a Homestead Rebate, from the State of New Jersey, which is applied as a credit towards 2nd quarter taxes in the amount of \$557.68; 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 in the amount of \$996.30 to E. Charles Wehrle, 26 Old Chestnut Ridge Road, Montvale, NJ 07645 and \$557.68 to Ronald Waldt, 7 Wayne Street, Montvale, NJ 07645

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

100-2021 Award Professional Service Contract /Engineering Services /Colliers Engineering & Design Phase I Environmental Site Assessment and NJDEP Preliminary Assessment/13 West Grand Avenue/Block 1601 Lot 22

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide professional services for conducting a combined Phase I Environmental Site Assessment and a NJDPE compliant Preliminary Assessment of the property located at 13 West Grand Avenue; 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, Mt. Arlington, NJ 07856 has submitted a detailed proposal of services dated April 30, 2021 to provide the engineering services which is 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 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: See detailed proposal attached to the original of this resolution dated April 30, 2021
- 3) The cost not to exceed shall be \$39,000.00 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.

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

BILLS: Municipal Clerk read the Bill Report.

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

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

COMMITTEE REPORTS:

Council President Lane

Fire Dept

17 fires, 2 drills, 4 extra credits and 1 meeting; Chief Gibbons is updating the standard operating procedures.

Diversity Committee

Pride in the Park celebration will be on June 13 from 5-7pm;

Councilmember Roche

Regional BOE

Potentially bringing all students back for the morning sessions next week. The board approved a moderate plan to replace the mascots including signage

Environmental Commission

Received a Bergen County grant for their clean-up day

Chamber of Commerce

Street Fair is scheduled for October 17;

Special Events/Recreation

Recreation is currently seeking adult or high school volunteers to assist in the planning and coordinating of Montvale's annual events such as Day In The Park, the Halloween Carnival, the Christmas Tree Lighting, the Spring Fling and more! To join the Special Events Committee, please call 201-391-5700 ext. 251 or email MontvaleRecreation@montvaleboro.org for more information.

The committee is currently working on setting dates for 2021's community events. The committee is tentatively planning for outdoor movie nights, a fishing tournament, Day in the Park, the Halloween Carnival, the Christmas Tree Lighting and the Menorah Lighting Ceremony. Spring Programs are Yoga, Tai Chi, Tennis Lessons, Golf Lessons, and Ultimate Frisbee

Basketball Badges

Basketball Badges can be obtained at Borough Hall Monday-Friday 8:30am-4:30pm. Evening registration dates at the basketball courts will also be posted on the Borough Facebook, website and Rec Facebook pages. The next evening badge registration will occur Thursday, May 13 from 5:30-8:00pm at 1 Memorial Drive on the Basketball Courts.

MAL

All coaches must fully complete a criminal history background check before they can begin coaching for the Spring season. Please email backgroundchecks@montvaleboro.org for instructions on how to do so.

Summer Camp

Summer Camp Registration is now open online only. Please visit Montvale.org for all camp and registration information. The following groups have reached capacity:

Girls- Grades 2 and 3

Boys- Grades 3, 4 and 5

Adventure Camp

Adventure Camp Registration is open online only. Registration and camp info can also be found on MontvaleRecreation.org. All age groups are full and being waitlisted except for the 7th grade girls.

Councilmember Arendacs**DPW**

Spring clean-up has begun with the ball fields, the center of town clean-up along with patching pot holes and street cleaning;

Engineering

Out for bid for bocce courts; Grand Ave and Mercedes Drive signal will be modified by the County; 2021 road program is waiting for the budget to be approved. LaTrenta field is now open.

Commended the Police department for writing and receiving a grant per resolution 94-2021 that was passed tonight to bring funding into the borough for alcohol and drug abuse awareness programs.

Councilmember Koelling**Police**

Monthly report included in original minutes;

BOH

Flu vaccinations will be in October; rabies clinic will be a drive thru clinic in November;

Planning Board

Outdoor dining continues

Councilmember Russo-Vogelsang**Construction**

53 permits; 79 miscellaneous permits; March and April was a very slow month due to the builders are not getting enough supplies; temporary CO was issued to the Law Office of Beattie Padovano for 200 Market Street; anyone in town with a property maintenance issue, please take care of it.

MAYOR

20 residents currently have COVID; vaccines are available at CVS on Kinderkamack Road and Wegmans by appointment; working with our engineers, our fire department and SUEZ on a solution for the water pressure issues; After a brief discussion with councilmembers it was decided to have the first council meeting of the month be hybrid and the last meeting of the month be in person only; May 20 will be celebrating Asian and Pacific American month at 7:30 hosted by the Diversity Committee; May 27 will be bicycle safety at Memorial School; Will have a Memorial Day ceremony at 9am.

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

- a. 2021 Road Improvement Program/Listing of Proposed Roads

14 roads and 38 roads by PSEG

- b. Report Receipt of Bids/Bocce Courts

Received bids and will award at next meeting

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

No Report

UNFINISHED BUSINESS:

- a. Review Prior Adopted Resolution Authorizing Temporary Outdoor Operating Permits for Gyms, Fitness Center, Yoga Studio/Proposed Extension of Time/Proposed Draft Extension Until 12-31-2021

101-2021 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 businesses 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 setbacks, 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 December 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 Entities") for a review and recommendation:
- a. Planning Board Site Plan Review Committee
 - b. Police Department
 - c. Fire Department
 - d. Board of Health

e. Borough Engineer

- f. Any other official that the Land Use Administrator deems necessary to assist the Site Plan Review Committee.
5. The Reviewing Entities shall review the Application in order to determine that the business has demonstrated that allowing the Outdoor Operating Area is safe for both the customers and the public. The Reviewing Entities shall work with Applicants to reach reasonable accommodations to assist such businesses to obtain a Permit from the Borough, and they shall make any recommendations deemed necessary to protect the health, safety and welfare of the public.
 6. The Reviewing Entities shall review the Application and the proposed Outdoor Operating Area and either recommend to the Zoning Officer the approval, denial or revision of the Application. The approval of an Application shall set forth all terms and conditions of approval.
 7. Upon receipt of the recommendation of approval by all Reviewing Entities, the Zoning Officer shall issue a Permit to the Applicant. All terms and conditions set forth by any Reviewing Entities with a recommendation of approval shall become conditions on the issuance of a Permit by the Zoning Officer.
 8. There shall be no fee for a Permit Application.
 9. The hours of operation of any Temporary Outdoor Operating Area shall be limited to 7:00 a.m. to 10:00 p.m.
 10. All Permits issued pursuant to this Resolution and procedure shall terminate on December 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 Operating Area past December 31, 2021.
 12. All applicants seeking approval of permanent outdoor operating areas shall apply to the Planning Board in accordance with existing procedures.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Chamber of Commerce to alert them of the Temporary Outdoor Operating Permit option for gyms, fitness centers, yoga studios and other similar exercise facilities.

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

NEW BUSINESS:

- a. Re-Schedule Mayor & Council Meeting of June 8th, 2021 to Thursday June 10th, 2021 due to Primary Elections/Montvale Municipal Building new District #4 polling location.

Councilmembers agreed to change the meeting date to June 10, 2021

COMMUNICATION CORRESPONDENCE:

None

MEETING OPEN TO THE PUBLIC:

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

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

Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Roche
- all ayes

Carolee Adams

Thanked all for planning bicycle safety on May 27; May 9-15 is National Police Week, is the borough doing anything special? With Memorial Day approaching, many residents have been purchasing signs to help Park Ridge American Legion Post.

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

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

Meeting was adjourned at 9:11pm

Next Meeting of the Mayor & Council will be on May 25th, 2021: Please Note: May 25th will resume in-person attendance only for participation at Mayor & Council Meetings. The method of Hybrid (In-Person and Zoom) will cease.

June Public Meeting Date Thursday, June 10th 7:30 p.m.

ZOOM information is as follows:

Topic: M&C Meeting

<https://us02web.zoom.us/j/88491084325?pwd=L2U5RVpYMGIeFdaNzdGcFFWUTd3UT09>

Passcode: 222775

By phone

1 929 436 2866

Webinar ID: 884 9108 4325

Passcode: 222775

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 102-2021**

RE: A Resolution Awarding a Contract to Grade Construction for the Memorial Drive Synthetic Turf Bocce Ball courts Project in the Borough of Montvale

WHEREAS, the Borough of Montvale has a need to procure construction services for the Memorial Drive Synthetic Turf Bocce Ball Courts Project in the Borough; and

WHEREAS, the Borough of Montvale, in accordance with the laws of the State of New Jersey, publicly advertised for the receipt of bids under specifications for the Memorial Drive Synthetic Turf Bocce Ball Courts Project; and

WHEREAS, four (4) bids were received on May 6, 2021; and

WHEREAS, after receipt and review of the three (3) lowest bids received, the Borough of Montvale has determined that Grade Construction is the lowest responsible bidder for this contract, for the Base Bid plus Alternate "A"; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds have been appropriated and are available for this purpose, a copy of said certification attached to the original copy of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that a contract is hereby awarded as follows:

Contractor

Grade Construction
110 Pennsylvania Avenue
Paterson, New Jersey 07503

Contract Amount

Base:	\$90,579.35
Alternate "A":	\$ 3,458.00
TOTAL:	\$94,037.35

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute all documents necessary to effectuate the purposes of this Resolution, consistent with the Borough's bid specifications and applicable law, subject to approval as to form by the Borough Attorney.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: May 25, 2021

ATTEST:

Maureen Iarossi-Alwan
Municipal Clerk

APPROVED:

Michael Ghassali
Mayor

BOGGIA BOGGIA BETESH & VOYTUS, L.L.C.

COUNSELLORS AT LAW
71 MT. VERNON STREET
RIDGEFIELD PARK, NJ 07660

PHILIP N. BOGGIA*
PRISCILLA M. BOGGIA
WILLIAM R. BETESH
JOSEPH W. VOYTUS**

* ALSO MEMBER OF N.Y., FLA, D.C. BAR &
CERTIFIED CIVIL TRIAL ATTORNEY
** ALSO MEMBER OF N.Y. BAR

TEL: (201) 641-0006
FAX: (201) 641-6649
E-MAIL: philip@boggialaw.com
priscilla@boggialaw.com
williambetesh@boggialaw.com
jwvoytus@boggialaw.com

11 May 2021

via email only
Mayor and Council
Borough of Montvale
12 Mercedes Drive
Montvale, New Jersey 07645

RE: Montvale Memorial Drive Synthetic Turf Bocce Ball Courts Project
Review of Bids and Recommendation of Award

Dear Mayor and Council,

At the request of the Borough Administrator, I have reviewed the three (3) lowest bids received for the Montvale Memorial Drive Synthetic Turf Bocce Ball Courts Project. The three lowest bids were received from Grade Construction, Robert Wogisch Landscape, and Z-Tech Contracting.

This bid provided both a Base Bid and an Alternate "A." A spreadsheet documenting compliance with the bid requirements is attached. After review of all three bids it appears that Grade Construction has submitted all required documentation and is therefore eligible for an award of this contract as the lowest responsible and responsive bidder for either the Base Bid or the Base Bid plus Alternate A. Please do not hesitate to contact me if you have any questions or wish to discuss this matter further.

Very truly yours,

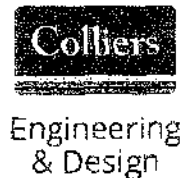
/s Joseph W. Voytus

Joseph W. Voytus

Enclosure

cc: Maurcen Iarossi-Alwan, Administrator/Clerk (via email only)

400 Valley Road
Suite 304
Mt. Arlington, NJ 07856
Main: 877 627 3772



May 11, 2021

Maureen Iarossi-Alwan
Borough Clerk/Administrator
Borough of Montvale
12 Mercedes Drive
Montvale, NJ 07643

Re: **Contract Award Recommendation**
Memorial Drive Synthetic Turf Bocce Ball Courts
Montvale, Bergen County, NJ
Colliers Engineering & Design Project No. MVB-003

Dear Ms. Iarossi-Alwan,

On Thursday, May 6, 2021, public bids were received for the Memorial Drive Synthetic Turf Bocce Ball Courts project. Four (4) contractors submitted bid proposals with the apparent low bidder as Grade Construction, 110 Pennsylvania Avenue, Paterson, NJ 07503. Attached is the bid tabulation sheet which summarizes the individual bid proposals.

Our office has reviewed the submitted proposals for mathematical errors and contractor experience. We found the second low bidder with an addition error of the total base bid; however, this did not change the outcome of the lowest apparent bidder.

Based on our review of the submitted bid proposals, we recommend the award to Grade Construction in the amount of \$94,037.35 which includes the Base Bid of \$90,579.35 and Alternate Bid 'A' of \$3,458.00.

Our recommendation is subject to the approval of bid documents by the Mayor and Council and certification of funds by the Borough.

Should you have any questions, please contact the undersigned.

Sincerely,

Colliers Engineering & Design

A handwritten signature in black ink, appearing to read "Andrew Hipolit".

Andrew Hipolit
Borough Engineer - Discipline Leader

ARH/cd/lb

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 103-2021**

RE: SHARED SERVICE AGREEMENT WITH THE COUNTY OF BERGEN FOR THE ADA COOPERATIVE CURB RAMP PROGRAM

WHEREAS, the County of Bergen maintains and controls approximately 450 miles County roads; and

WHEREAS, public sidewalks and handicap ramps are a municipal responsibility in as much as the County's road responsibility is limited to improved road areas from curb face to curb as set forth in N.J.S.A. 27:16-8; and

WHEREAS, the County of Bergen seeks to assist municipalities with their obligation to comply with NJDOT and Federal ADA regulations on County roadways by dedicating a portion of the County's NJDOT, Bureau of Local Aid funds for the design and inspection of ADA improvements, as designated by the County Engineer or his designed-on County roads; and

WHEREAS, by entering into a Shared Service Agreement with the County of Bergen, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) will help promote the broad use of shared services to reduce local expenses funded by property tax payers;

NOW, THEREFORE, BE IS RESOLVED, by the Mayor and Council of the Borough of Montvale that authorization is granted to enter into a shared service with the County of Bergen for the ADA Cooperative Curb Ramp Program;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute the Shared Service Agreement with the County of Bergen for the above stated purpose.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: May 25, 2021

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

ADA COOPERATIVE CURB RAMP GRANT PROGRAM

THIS AGREEMENT made on May 25th, 2021 between the:

COUNTY OF BERGEN, a body politic and corporate of the State of New Jersey, with administrative offices at One Bergen County Plaza, Room 580, Hackensack, New Jersey 07601-7076, hereinafter referred to as the "County"

And the Borough of Montvale a municipal corporation of the STATE OF NEW JERSEY, herein referred to as the "MUNICIPALITY."

WITNESSETH

WHEREAS, the County of Bergen ("County") is a body politic and corporate of the State of New Jersey with jurisdiction, pursuant to N.J.S.A. 27:16-1, over County Roads; and

WHEREAS, The Borough of Montvale ("Municipality") is a Municipal Corporation of the State of New Jersey; and

WHEREAS, the New Jersey Department of Transportation (NJDOT), the Federal Highway Administration (FHWA), the Americans with Disabilities Act Accessibility Guidelines (ADAAG), and Public Right-of-Way Accessibility Guidelines (PROWAG) mandate that public sidewalks at intersections provide, at a minimum: depressed curb cuts, detectable warning surfaces and a landing area at all crosswalk locations as designated by the County Engineer or his designee; and

WHEREAS, public sidewalks, including handicap ramps, are a municipal responsibility in as much as the County's road responsibility is limited to improved road areas from curb face to curb face as set forth in N.J.S.A. 27:16-8; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et. seq) promotes the broad use of shared services to reduce local expenses funded by property tax payers; and

WHEREAS, the County seeks to assist municipalities with their obligation to comply with NJDOT and Federal ADA regulations on County roadways by using County funds for the design and dedicating a portion of the County's New Jersey Department of Transportation, Bureau of Local Aid funds for the inspection of ADA improvements, as designated by the County Engineer or his designee, on County roads; and

WHEREAS, ADA Curb Ramp design work shall not commence until the County Engineer, subject to budget considerations, authorizes the work recommended by the municipal engineer; and

WHEREAS, the County will, upon proper verification and pre-construction authorization by the County Engineer, reimburse the municipality for the design and inspection costs in connection with the county wide ADA Cooperative Curb Ramp contract provided that participating municipalities are responsible for all costs outside the scope of work; and

WHEREAS, municipal budget requirements mandate the confirmation that funds are available to perform the work pursuant to a grant agreement; and

NOW THEREFORE BE IT RESOLVED, that in consideration of the premises, and of the covenants, terms, and conditions hereinafter set forth County of Bergen will assist municipalities in meeting ADA Curb Ramp requirements at intersections on County roads.

BE IT FURTHER RESOLVED, that the County's Cooperative funding assistance is conditioned upon the following:

1. ADA COOPERATIVE CURB RAMP GRANT PROGRAM

A. Funding. The County, through a countywide ADA Cooperative Curb Ramp Grant Program, will make *NJDOT Bureau of Local Aid* funds and/or County funds available to municipalities, on a reimbursement basis as authorized by the County Engineer or his designee, for the engineering design and inspection work related to the construction of ADA improvements at crosswalk locations.

B. Construction. The County will enter into a Curb Ramp Construction Contract with the successful bidder(s) of the County's ADA Cooperative Curb Ramp Construction bid.

C. County Engineer's Approval. Municipal Engineering design work shall not commence until the County Engineer, subject to budget considerations, authorizes said work.

2. REIMBURSEMENT SCHEDULE

The County will, upon proper verification and pre-work authorization by the County Engineer, reimburse the municipality for approved engineering costs, in two payments.

A. Initial Reimbursement. The County shall provide the municipality with fifty percent of the estimated design funds, at the rates set forth herein, to design ADA compliant improvements provided that municipality seeks and receives pre-authorization from the County Engineer.

B. Final Reimbursement. Upon receipt of its municipal engineer's certification that the completed design work meets ADA compliance or received a "technical infeasibility" waiver approved by the County Engineer, the Bergen County Department of Public Works will reimburse the participating municipality for the balance of the funds based on the

approved scope of work.

- C. Inspection Costs. Reimbursable costs shall include construction inspection costs not to exceed ten (10%) percent of the as-built construction costs.

3. REIMBURSEMENT RATES, upon authorization from the County Engineer, the municipality will be reimbursed as follows:

- A. Four (4) Corner Intersections. A flat fee of \$450 for four (4) corner intersections for:

- (1) A walk through and completion of Curb Ramp Assessment Forms and designation of the type of ADA compliant ramp for each corner.
- (2) A walk through with the County Engineer or designee to confirm and/or revise the Curb Ramp Assessment Forms and ramp type designation.
- (3) A walk through with the County Engineer or designee and the County Curb Ramp Construction Contractor to direct the contractor to construct improvements in accordance with Curb Ramp Assessment and ramp type designation.
- (4) Preparation and submission of a technical infeasibility waiver if required.
- (5) Engineer's design compliance certification in County form.

- B. "T" intersections. A flat fee of \$300 for a "T" intersection:

- (1) A walk through and completion of Curb Ramp Assessment Forms and designation of the type of ADA compliant ramp for each corner.
- (2) A walk through with the County Engineer or designee to confirm and/or revise the Curb Ramp Assessment Forms and ramp type designation.
- (3) A walk through with the County Engineer or designee and the County Curb Ramp Construction Contractor to direct the contractor to construct improvements in accordance with Curb Ramp Assessment and ramp type designation.
- (4) Preparation and submission of a technical infeasibility waiver if required.
- (5) Engineer's design compliance certification in County form.

- C. Raised Islands & Mid-Block Crossings. A flat fee of \$200 for a raised island or mid-block crossing for:

- (1) A walk through and completion of Curb Ramp Assessment Forms and designation of the type of ADA compliant ramp for each corner.
- (2) A walk through with the County Engineer or designee to confirm and/or revise the Curb Ramp Assessment Forms and ramp type designation.
- (3) A walk through with the County Engineer or designee and the County Curb Ramp Construction Contractor to direct the contractor to construct improvements in accordance with Curb Ramp Assessment and ramp type designation.
- (4) Preparation and submission of a technical infeasibility waiver if required.
- (5) Engineer's design compliance certification in County form.

- D. Full Engineering Design. A fee up to \$1,000 for full engineering design for one corner of

an intersection or up to \$2,400 for full engineering design for four corners (as approved by the County Engineer) for steep slope or extraordinary situations. Full engineering services include:

- (1) Design Plans.
- (2) As-built design drawings.
- (3) Documented waivers, approved by the County Engineer, for "technical infeasibility" waiver(s) pertaining to any portion of the work that is not fully compliant with ADA requirements.
- (4) Engineer's design compliance certification in County form.

4. ADA STANDARDS AND PERFORMANCE

A. Compliance. All construction work shall be one hundred (100%) compliant with ADA regulations. If construction compliance is not possible in accordance with ADA regulations, then the municipal engineer will substantiate and document grounds for a waiver based upon "technical infeasibility". Waivers are not valid unless approved by the County Engineer.

B. Compliance Issues. If during construction it becomes impossible to comply with the design work and/or it is discovered that the design work is inaccurate then, in that event, the municipal engineer's inspector shall: (1) immediately suspend construction; (2) notify the County Engineer; (3) the municipal engineer shall redesign the work, at no extra expense, to obtain full compliance or document waiver(s) based upon "technical infeasibility"; and obtain the County Engineer's authorization to proceed.

C. County Traffic Signal. If the construction of ADA improvements appears to require the removal and/or relocation of a County traffic signal structure or device, the Municipal Engineer shall contact the County Engineer and advise him of the potential conflict. The County Engineer shall review the conflict and determine an appropriate course of action which may include the redesign of ADA improvements, removal and/or relocation of the traffic signal structure or device at the County's expense, or the issuance of a technical infeasibility waiver.

D. Utilities. If the construction ADA improvements appears to require the removal and/or relocation of a non-municipal utility structure or device, the Municipal Engineer shall contact the County Engineer and advise him of the potential conflict. The County Engineer shall review the conflict and determine an appropriate course of action which may include the redesign of ADA improvements, removal and/or relocation of the utility structure or device at the utility company's expense, or the issuance of a technical infeasibility waiver. In the event that a non-municipal utility refuses to relocate its structures, at its sole cost and expense, the expense of compelling same shall be assumed by the County.

E. Municipal Utilities. If the construction of ADA improvements appears to require the removal and/or relocation of a municipal traffic signal structure or device or municipal utility or

other structure, the Municipal Engineer shall contact the County Engineer, the Municipality and/or Municipal Utility and advise them of the potential conflict. The County Engineer shall review the conflict and determine an appropriate course of action which may include the redesign of ADA improvements, removal and/or relocation of the traffic signal structure or device or municipal utility or other structure, at the Municipality or Municipal Authority's expense, or the issuance of a technical infeasibility waiver.

F. Restriping. After resurfacing, the County will re-stripe the roadways. As a courtesy, the County will install thermoplastic traffic markings and symbols at municipal intersections with traffic signals, and will replace crosswalk markings where requested *only if the* crosswalks terminate at handicapped ramps that meet ADA regulations. Once installed, the maintenance of these markings and symbols will be the municipality's responsibility unless the intersection is under County jurisdiction. If the Municipality plans a streetscape project, the County only allows using stamped or imprinted crosswalks and that these crosswalks be completed *after* the roadway is resurfaced. Crosswalks made from materials such as pavers or other types of blocks and headers, or very thick layers of extruded thermoplastic materials, are not recommended. Should the municipality install crosswalks of this type, then it will be the municipality's responsibility to maintain them at all times.

G. Road Opening Permits. Upon completion of road resurfacing, the County's Road Opening Permit policy and fees shall apply to future road openings.

H. Upgrades. If a municipality desires to upgrade the ADA Cooperative Specifications beyond NJDOT standards for materials and/or to expand the scope of the work beyond the limits authorized by the County Engineer, then municipality shall be responsible for the increase in costs. For example, if the municipality chooses to install stamped crosswalks, the municipality shall pay the difference between NJDOT standards and the municipality's standards.

5. MUNICIPAL RESPONSIBILITIES

In connection with the work set forth herein, each municipality shall be responsible for the following:

A. Traffic Control

(1) NJDOT. NJDOT rules require that the contractor set up and maintain a proper and safe work zone with properly trained flagmen at each work location. The use of NJDOT funds to pay for uniformed police protection is not permitted. Additionally, the County does not provide another source of funding for police protection since the contractor is already required to maintain a safe work zone in accordance with the Manual for Uniform Traffic Control Devices. If the Municipality desires the use of local police for additional protection, over and above the contractor's responsibilities, the municipality will be solely responsible for the cost of local police protection.

(2) Chief of Police Determination. The Municipality will provide uniformed

police officers, at the municipality's sole expense, for the maintenance and protection of traffic in connection with the ADA improvements when the Chief of Police deems their presence necessary.

- (3) Required Police. If an intersection cannot be fully closed to traffic during the following construction phases then Municipality will provide uniformed police officers, at the municipality's sole expense; installation of underground traffic signal conduit in the intersection; installation of underground storm water drainage systems in the intersection; installation of new overhead traffic signal hardware or removal of existing traffic signal hardware; and signal "turn-on".

B. Waiver of Municipal Permits and Fees. The Municipality and/or its Municipal Utility shall waive all permits and fees.

C. Ownership, Maintenance and Continued Compliance. The Municipality expressly acknowledges ownership and control of the completed ADA improvements, agrees to maintain all ADA improvements in compliance and/or to require property owners to maintain the ADA improvements and keep same in compliance as part of the property owner's sidewalk maintenance obligations.

D. Municipal Structures. The Municipality and/or its Municipal Utility shall be solely responsible for the cost of relocating its structures including but not limited to traffic signals or devices or utility structures or other structures which interfere with ADA improvements and do not, in the judgment of the County Engineer, qualify for a technical infeasibility waiver.

6. HOLDHARMLESS

The Municipality shall defend, indemnify, protect and save harmless the County of Bergen and its officers, agents, servants, and employees from and against any and all suits, claims, demands or damages of any kind or nature, arising out of, or claimed to arise out of, any act, error or omission of the Municipality, its consultants, contractors, agents, servants and employees in the performance of the work funded under this agreement, including, but not limited to, expenditures for investigation, legal defense, settlement and/or judgment. In addition to the Municipality naming County of Bergen as an Additional Insured on its public liability insurance policies, the Municipality shall require, in all agreements for professional and non-professional contract services necessary for the performance and completion of work funded under this agreement, that Municipality and County of Bergen are named as Additional Insured on the service providers' public liability insurance policies.

6. MISCELLANEOUS

A. Counterparts and Electronic Delivery and Signatures. This Agreement and any amendments or addenda hereto, or any other document necessary for the consummation of the transaction contemplated, administered or controlled by this Agreement ("Agreement Documents"), may be executed and delivered in any number of counterparts, each of which so

executed and delivered shall be deemed to be an original and all of which shall constitute one and the same instrument. Any Agreement Documents, to the extent delivered by means of a facsimile machine, electronic mail, or other electronic means, shall be treated in all manner and respects as an original agreement or instrument, and shall be considered to have the same binding legal effect as if it were the original signed version thereof delivered in person or via mail. The Parties agree that Agreement Documents may be accepted, executed, or agreed to through the use of an electronic signature in accordance with the Uniform Electronic Transaction Act, N.J.S.A. 12A:12-1, et seq. and any associated regulations. Any Agreement Document accepted, executed or agreed to in conformity with such laws will be binding on all Parties the same as if it were physically executed, and all Parties hereby consent to the use of any third party electronic capture service providers as may be chosen by the County.

B. Force Majeure. Neither party shall be liable for any failure or delay in the performance of its respective obligations hereunder if and to the extent that such delay or failure is due to a cause or circumstance beyond the reasonable control of such party, including, without limitation, fire, flood, earthquake, hurricane, tornado, "Acts of God," epidemics, war (declared or not), riots, disturbances, terrorism, embargos, strikes, lockouts, shutdowns, slowdowns, or acts of public authority.

C. General. This Agreement shall be construed and enforced in accordance with the laws of the State of New Jersey, including the New Jersey Tort Claim Act, N.J.S.A. 59:1-2 et seq., and the New Jersey Contractual Liability Act, N.J.S.A. 59:13 et seq., without regard to its conflict of law principles. All disputes arising out of this Agreement shall be resolved in the Courts of the State of New Jersey.

D. No Waiver. The failure of either party at any time to require performance by the other party of any provision of this Agreement shall in no way affect the right to require such performance at any time thereafter, nor shall the waiver by either party of a breach waive any succeeding breach of such provision or waive the enforcement of the provision itself.

E. No Third Party Beneficiaries. Nothing contained herein shall be construed so as to create rights in any third party

7. NON-BINDING MEDIATION

A. Rights to Request and Decline. Either party may request Non-Binding Mediation of any dispute arising under this Agreement, whether technical or otherwise. The non-requesting party may decline the request in its sole discretion. If there is concurrence that any particular matter shall be mediated, the provisions of this Section shall apply. The costs of such Non-Binding Mediation shall be divided equally between the County and the Municipality.

B. Procedure. The Mediator shall be a retired Judge of the Superior Court of New Jersey or other professional mutually acceptable to the County and the Municipality. The Mediator shall have full discretion as to the conduct of the mediation. Each party shall participate in

the Mediator's program to resolve the dispute until and unless the parties reach agreement with respect to the disputed matter or one party determines in its sole discretion that its interests are not being served by the mediation.

C. Non-Binding Effect. Mediation is intended to assist the County and Municipality in resolving disputes over the correct interpretation of this Agreement. No Mediator shall be empowered to render a binding decision.

D. Relation to Judicial Legal Proceedings. Nothing in this Section shall operate to limit, interfere with or delay the right of either party under this Article to commence judicial Legal Proceedings upon a breach of this Agreement by the other party, whether in lieu of, concurrently with, or at the conclusion of any Non-Binding Mediation.

8. ARBITRATION. If the dispute is not mutually resolved through non-binding mediation, then in that event, the dispute shall be resolved through binding arbitration.

A. Arbitration. Should there arise any disagreement between the County and Municipality respecting the meaning and intent of this Agreement or performance of any of its terms or provisions, the County and Municipality agree to settle the same by arbitration, before a single arbitrator who is a retired New Jersey Superior Court Judge, with such pre-hearing discovery as may be permitted by the arbitrator. The decision of the arbitrator shall be final and the Judgment may be entered upon it in accordance with applicable law in any Court having jurisdiction thereof.

B. Injunctive Relief. Notwithstanding the foregoing, nothing herein shall prevent a party from seeking injunctive relief in the appropriate division of the Superior Court of New Jersey in Bergen County. In the event of litigation, each government entity waives whatever rights it may have to trial by jury in order to prevent irreparable harm from occurring that may arise from a breach or threatened breach of this Agreement; however, any damage claim that may be associated therewith shall be exclusively resolved through arbitration in accordance with the preceding paragraph.

9. DURATION, CANCELLATION & AMENDMENTS

A. Term. The term of this Agreement shall commence immediately upon execution (as authorized by resolution) by the last (in time) of all parties to this Agreement. This agreement shall have a term of one year, and shall renew annually until terminated or modified by the parties. Any rights and responsibilities of the parties under this Agreement that have accrued prior to the date of termination shall survive such termination.

B. Amendments. This Agreement may be amended from time to time by agreement of the parties thereto in the same manner as this Agreement was originally authorized and approved. Amendments to this Agreement shall become effective immediately upon execution (as authorized by resolution) by the last (in time) of all parties to this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective as of the day and year first above written.

WITNESSED

COUNTY OF BERGEN

By:

James J. Tedesco, III, County Executive, or
Julien X. Neals, Acting County Administrator

Date:

WITNESSED

Municipality: Borough Of Montvale

~~Maureen Tarossi-Alwan~~_____
Municipal Clerk

By:

Michael Ghassali, Mayor
Print Name

Signature

Date:

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 104-2021**

RE: SHARED SERVICE AGREEMENT WITH THE COUNTY OF BERGEN FOR THE COUNTY ROAD RESURFACING PROGRAM

WHEREAS, the County of Bergen maintains and controls approximately 450 mile of County roads; and

WHEREAS, the maintenance of County roads requires periodic resurfacing for the benefit of the drivers and residents of Bergen County; and

WHEREAS, the County's Department of Public Works performs this resurfacing through periodic Road Resurfacing Projects; and

WHEREAS, a formal agreement is needed between the County of Bergen and each municipality to memorialize the receptive responsibilities of the County and the municipality in connection with a Road Resurfacing Project; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that authorization is granted to enter into a shared service with the County of Bergen for the County Road Resurfacing Program;

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute the Shared Service Agreement with the County of Bergen for the above stated purpose.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: May 25, 2021

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

SHARED SERVICES AGREEMENT

County Road Resurfacing Program

The County of Bergen ("County") and Montvale (the "Municipality") agree to the following procedures and conditions in connection with the County's road resurfacing program:

1. **Scope and Term.** This Agreement shall govern the parties' rights and responsibilities in connection with the County's annual Road Resurfacing Program. This agreement shall have a term of one year, and shall renew annually until terminated or modified by the parties. Any rights and responsibilities of the parties under this Agreement that have accrued prior to the date of termination shall survive such termination.
2. **Prerequisites.** As a prerequisite to and in consideration of the County's scheduling of road resurfacing within the Municipality, the Municipality agrees to:
 - a. inspect the conditions of all existing ADA compliant curb ramps and crosswalk locations, make any repairs/replacements before the road is scheduled for resurfacing;
 - b. identify any locations at which the Municipality requests the County to install asphalt berms as described in Section 8 of this Agreement; and
 - c. inspect all sanitary sewer manholes and frames and either:
 - i. verify that the manholes and frames are in good condition; or
 - ii. for any manhole frames that requires replacement, notify the County's contractor who will provide the labor, at no cost to the Municipality, to replace the manhole frame(s) provided that Municipality supplies the frames a minimum of seven calendar days in advance of the County's schedule for the commencement of road milling.
3. **Notice.** The County shall endeavor to give at least one (1) year's notice to the Municipality prior to commencement of road milling so that any repairs, replacements, or other work required to be performed by the Municipality can be scheduled and completed.
4. **ADA Compliance.** NJDOT and Federal ADA regulations require compliance with the Americans with Disabilities Act (ADA) at all altered crosswalk locations along the resurfaced county roads which have public sidewalks. Municipality is responsible for the ownership, maintenance, and control of all curb ramps and detectable warning surfaces as N.J.S.A. 27:16-8 limits the County's maintenance responsibility to improved road areas between the curb lines.
5. **Funding of ADA Compliance.** The County of Bergen has established engineering design and capital improvement cooperatives for the funding of ADA work. As a prerequisite to

the County's scheduling of road resurfacing within the Municipality, the municipality must first comply with the following:

- a. ADA Engineering Grant Program – Freeholder Resolution No. 70-20.
- b. The Municipality must execute an ADA Grant Program agreement and the Municipal Engineer must:
 - i. identify and quantify the curb ramp locations; and
 - ii. design and certify the ADA improvements, including ensuring that ramps are set at the proper grade to prevent pooling of water; and
 - iii. inspect the ADA improvements and certify compliance with ADA regulations upon completion of curb ramp construction prior to reimbursement by the County,
 - iv. Municipality is responsible for all costs outside the scope of the county curb ramp construction contract, including any local police protection.
 - v. Municipality agrees and accepts that after the completion of construction all ADA ramps are owned, maintained, and controlled by the Municipality.

6. Crosswalks. After resurfacing, the County will restripe the roadways.

- a. As a courtesy, the County will install thermoplastic traffic marking lines and thermoplastic traffic markings symbols across the County road and across the intersecting municipal road at municipal intersections, and will replace crosswalk markings *only if* the crosswalks terminate at curb ramps that comply with ADA regulations.
- b. Once installed, the Municipality is responsible for the maintenance of these markings and symbols across both the County Road and across the intersecting municipal road *unless* the intersection is under County jurisdiction.
- c. If the Municipality plans a streetscape project, the County recommends using stamped or imprinted crosswalks and that these crosswalks be completed *after* the roadway is resurfaced. Crosswalks made from raised materials such as pavers or other types of concrete blocks and headers, or very thick layers of extruded thermoplastic materials, are not recommended. Should the Municipality install crosswalks of this type, then it is the Municipality's responsibility to maintain them at all times.

7. Intersections with Municipal Roads. Pursuant to N.J.S.A. 27:16-8, the County is only responsible for maintaining County roads between the curb lines, i.e. from curb face to curb face. Where no curb exists on a County road, the term curb line refers the edge of pavement. At intersections, the curb line refers to the imaginary line created by extending the curb or edge of pavement of the County road across the intersection with the municipal road. By executing this agreement, the Municipality agrees and acknowledges that the County does not own, control, maintain, or have any duty to maintain, any portion of the right of way beyond the curb line of the County road, including any right of way that may

extend onto a municipal road, except as may be otherwise be provided in a formal agreement or resolution of the County Planning Board. The County will, at the Municipality's request, and solely as a courtesy to the Municipality, pave into an intersecting municipal road to meet the prior paving joint or to ensure a smooth pavement transition as directed by a municipal engineer, and subject to Paragraph 6, "Crosswalks," above, install traffic markings and symbols and replace crosswalk markings on a municipal road at the intersection with a County road. The Municipality agrees that, notwithstanding this courtesy extended by the County, it is solely the Municipality's responsibility to improve, maintain, and control the intersecting municipal road beyond the curb line of the County road, and that the County is not exercising ownership, control, or accepting any maintenance obligation over any portion of the municipal road by virtue of such paving or other improvements on the municipal road beyond the curb line of the County Road. In consideration for the County agreeing to pave into or make other improvements on the intersecting municipal road, the Municipality hereby agrees to indemnify, defend, save harmless, and release the County, its officers, employees, agents, and contractors, from and against any and all claims, demands, actions, suits, judgments, costs, charges, fees, damages and expenses, including reasonable attorney's fees, which may arise or result from a condition of the intersecting municipal road beyond the curb line of the County Road, including attorney's fees and costs incurred in any appeal.

8. **Asphalt Berms.** As a courtesy to the Municipality for the sole purpose of directing surface water away from adjacent properties, when repaving a County road with no existing curbs or sidewalks, the County may, at the request of the Municipality and where directed by the municipal engineer, construct asphalt berms at the edge of the County road pavement, within the public right of way. The Municipality agrees, in consideration for the County's efforts and costs in construction of such berms, that the Municipality shall thereafter assume all responsibility for maintenance, repair, and replacement for the berms and that the County shall not be required to maintain, repair, or replace any such berm the County has constructed. The Municipality hereby agrees to indemnify, defend, save harmless, and release the County, its officers, employees, agents, and contractors, from and against any and all claims, demands, actions, suits, judgments, costs, charges, fees, damages and expenses, including reasonable attorney's fees, which may arise or the County may incur as a result of the County's construction of asphalt berms as directed by the Municipality. This provision shall extend to the County regardless of the structure or workmanship of the County constructed asphalt berms, and shall expressly include any claim that the berm, howsoever it is maintained, is a dangerous condition under the New Jersey Tort Claims Act.
9. **Traffic Control.** The County uses NJDOT monies to fund the resurfacing program. NJDOT regulations require that the contractor set up and maintain a proper and safe work zone with properly trained flagmen at each work location. NJDOT does not permit the use of funds to pay for uniformed police protection. However there are circumstances where the use of uniformed police officers may be required for safe traffic control.
 - a. The Municipality shall provide uniformed police officers, and be solely responsible for the cost thereof, in the following circumstances:

- i. When intersecting roadways cannot be fully closed to traffic during installation of underground traffic signal conduit; installation of underground storm-water drainage systems; installation of new overhead traffic signal hardware or removal of existing traffic signal hardware; work is being performed within 100' of a signalized intersection; pavement milling operations; final paving operations; and signal "turn-on."
 - ii. When requested by the County Division of Engineering or Department of Public Works.
 - b. Nothing herein shall prohibit the Municipality from assigning Municipal uniformed police officers for additional protection on its own initiative, over and above the contractor's responsibilities, at the Municipality's sole cost and expense.
 - c. The Municipality agrees that the aforementioned traffic control procedure shall apply to all future work by the County of Bergen, and its contractors, performing work that is a County responsibility within public right-of-ways of County roads.
- 10. Road Opening Permits.** The Municipality agrees that once a County road is resurfaced, the Municipality will procure a road opening permit for any Municipality controlled project or Municipal utility company project. The Municipality agrees to meet all requirements and specifications in the restoration of the County's roads.
- 11. Integration.** This is the parties' entire agreement on this matter, superseding all previous negotiations or agreements, including any prior agreements regarding the County's Road Resurfacing Program.

[Signature Page to Follow]

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective as of the day and year first above written.

WITNESSED

COUNTY OF BERGEN

By:

James J. Tedesco, III, County Executive, or
Julien X. Neals, Acting County Administrator

Date:

WITNESSED

Municipality:

Borough of Montvale

Michael Ghassali

Maureen Tarossi-Alwan
Municipal Clerk

By:

Print Name

Signature

Date:

May 25, 2021

RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, N.J., that the following bills, having been referred to the Borough Council and found correct, be and the same hereby be paid:

<u>FUND</u>	<u>AMOUNT</u>	<u>NOTES</u>
Current	\$405,725.03	Bill List Wire 5/25/2021
	<u>294,476.54</u>	Wires/Manual Checks
Current TOTAL	700,201.57	
Capital	20,532.14	Bill List Wire 5/25/2021
Escrow	73,656.50	Bill List Wire 5/25/2021
Housing Trust	5,696.00	Bill List Wire 5/25/2021
Open Space Trust	6,411.00	Bill List Wire 5/25/2021
General Trust	623.00	Bill List Wire 5/25/2021
Recreation Trust	348.00	Bill List Wire 5/25/2021
Dog Trust	9.60	Bill List Wire 5/25/2021

*This resolution was adopted by the Mayor and Council of Montvale
at a meeting held on 5/25/21*

Introduced by: _____

Approved: 5/25/21

Seconded by: _____

Michael Ghassali, Mayor

ATTEST:

Maureen Iarossi-Alwan, Municipal Clerk

MANUAL/VOID CHECKS - WIRES**May 25, 2021**

<u>Check #</u>	<u>PO #</u>	<u>Date</u>	<u>Transaction/Vendor</u>	<u>Amount</u>
WIRE		5/11/21	Payroll Account-Current	186,680.17
WIRE		5/11/21	Salary Deduction Account	108,229.12
WIRE		5/11/21	FSA Account	30.00
019255		5/11/21	Void-Nottingham Court	(400.00)
Recreation		5/25/21	STRIPE Refund-K. Kwon	(62.75)
Total				<u>294,476.54</u>

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Bill List By Vendor Id

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P.O. Type: All
Range: First to Last
Format: Condensed

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00027 BT SPECIALTIES								
	21-00640	05/14/21	NAME PLATE	Open	16.00	0.00		
00043 NORTH JERSEY MEDIA GROUP								
	21-00496	04/14/21	395748 ADVERTISING -MARCH 2021	Open	262.20	0.00		
00065 GENERAL CODE PUBLISHERS,LLC								
	21-00647	05/17/21	MUNICIPAL CLERK STUDY GUIDE	Open	170.00	0.00		
00071 SUEZ WATER NEW JERSEY								
	21-00617	05/10/21	10003825412222 - SUEZ MAY 2021	Open	15,402.88	0.00		
00095 HANRAHAN, ROBERT								
	21-00538	04/22/21	OXYVAN WADERS	Open	97.01	0.00		
	21-00558	04/29/21	LUNCH NATURE TRAILS-VOLUNTEERS	Open	52.28	0.00		
					149.29			
00125 NORTHWEST BERGEN REGIONAL								
	21-00251	02/11/21	2021 HEALTH SERVICES	Open	5,083.34	0.00		B
00128 ARROW TREE SERVICE INC.								
	21-00152	01/20/21	STORM DAMAGED TREE HUFF POND	Open	3,420.00	0.00		
00146 PSE&G CO.								
	21-00616	05/10/21	PSE&G - APRIL 2021	Open	497.75	0.00		
00173 NEWELL, JOHN								
	21-00612	05/10/21	REIMB NEWELL EVIDENCE CABINET	Open	234.56	0.00		
00178 FAIR GAME GOOSE CONTROL INC.								
	21-00177	01/25/21	2021 GOOSE CHASING-BOARD OF ED	Open	550.00	0.00		B
	21-00178	01/25/21	2021 GOOSE CHASING-BD OF HLTH	Open	550.00	0.00		B
					1,100.00			
00215 TOWNSHIP OF RIVER VALE								
	20-01641	12/31/20	WASTE MANAGEMENT - YARD WASTE	Open	227,316.81	0.00		
00258 ROCKLAND ELECTRIC COMPANY								
	21-00610	05/07/21	ROCKLAND ELECTRIC CO. - APRIL	Open	5,347.16	0.00		
	21-00615	05/10/21	ROCKLAND ELECTRIC CO. - APRIL	Open	155.88	0.00		
					5,503.04			
00310 BERGEN COUNTY PROSECUTORS								
	21-00463	04/06/21	PD MARS MAINTENANCE FEE	Open	6,000.00	0.00		
00318 TREASURER, STATE OF NJ - ENVIR								
	21-00548	04/26/21	STORMWATER DISCHARGE PERMIT	Open	2,000.00	0.00		

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00320 NEW JERSEY ELEVATOR INSPECTION								
	21-00400	03/22/21	2021 ELEVATOR INSPECTIONS	Open	7,834.00	0.00		
00329 NJ STATE DEPT. OF HEALTH								
	21-00570	04/30/21	STATE DOG LICENSE FEE APR 2021	Open	9.60	0.00		
00338 RICH'S AUTOMOTIVE SPECIALISTS								
	21-00402	03/23/21	REPAIR CONST. VEHICLE F-250	Open	5,307.39	0.00		
00375 BOROUGH OF PARK RIDGE								
	21-00476	04/08/21	PUBLIC SAFETY MAINTENANCE	Open	901.00	0.00		
	21-00541	04/22/21	TRI-BORO FUEL - MARCH 2021	Open	4,196.90	0.00		
					5,097.90			
00400 FAIRFIELD MAINTENANCE, INC.								
	21-00087	01/11/21	DAMAGED TEST SENSOR UST DPW	Open	1,619.00	0.00		
00497 LEVITZKI, ANN								
	21-00149	01/20/21	2021 COURT - CELL PHONE	Open	62.40	0.00		B
00554 BERGEN MUNI.EMPL.BENEFITS FUND								
	21-00176	01/25/21	2021 HEALTH BENEFITS	Open	54,458.00	0.00		B
00578 TREASURER, STATE OF NJ DCA								
	21-00467	04/07/21	1ST QUARTER STATE FEE - 2021	Open	5,722.00	0.00		
00699 ATLANTIC TOMORROWS OFFICE								
	21-00567	04/30/21	PD OVER COPY USE	Open	8.15	0.00		
00730 BOGGIA & BOGGIA, ESQS.								
	21-00599	05/06/21	AFFORD HOUSING MIDPOINT REVIEW	Open	270.00	0.00		
00731 COLLIER'S ENGINEERING & DESIGN								
	18-00453	03/30/18	US 2020 CENSUS PREPARATION	Open	267.00	0.00		B
	20-00687	06/18/20	2020 BC MUNICIPAL PROGRAM PARK	Open	265.00	0.00		B
	20-01640	12/31/20	SYNTHETIC TURF BOCCIE BALL CT.	Open	5,861.00	0.00		B
	21-00132	01/14/21	2021 ENGINEER RETAINER	Open	900.00	0.00		B
	21-00272	02/17/21	2021 GENERAL ENGINEERING	Open	8,186.02	0.00		B
	21-00439	04/02/21	MUNICIPAL ENGINEERING REVIEW	Open	6,659.50	0.00		
	21-00531	04/21/21	MUNICIPAL ENGINEERING REVIEW	Open	5,028.50	0.00		
	21-00534	04/21/21	MUNICIPAL ENGINEERING REVIEW	Open	5,819.00	0.00		
	21-00559	04/29/21	MUNICIPAL PLANNING REVIEW	Open	878.00	0.00		
	21-00560	04/29/21	MUNICIPAL PLANNING REVIEW	Open	1,932.00	0.00		
	21-00579	05/05/21	MUNICIPAL ENGINEERING REVIEW	Open	623.00	0.00		
	21-00580	05/06/21	MUNICIPAL ENGINEERING REVIEW	Open	5,550.00	0.00		
	21-00588	05/06/21	MUNICIPAL ENGINEERING REVIEW	Open	29,103.00	0.00		
	21-00592	05/06/21	MUNICIPAL PLANNING REVIEW	Open	951.00	0.00		
	21-00593	05/06/21	MUNICIPAL ENGINEERING REVIEW	Open	3,541.25	0.00		
	21-00597	05/06/21	MUNICIPAL ENGINEERING REVIEW	Open	2,848.00	0.00		
	21-00598	05/06/21	MUNICIPAL ENGINEERING REVIEW	Open	5,740.50	0.00		
					84,152.77			

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00745 WASTE MANAGEMENT OF NEW JERSEY	20-00265	02/18/20	2020 GARBAGE COLLECTION	Open	16,000.00	0.00		B
00762 HARBORTOUCH	21-00518	04/19/21	COURT CREDIT CARD PROCESSING	Open	50.62	0.00		
00769 URBAN AUTO SPA	21-00643	05/14/21	CAR WASH AND OIL CHANGE SVCS.	Open	52.00	0.00		
00831 160 SPRING VALLEY RD LLC	21-00611	05/07/21	COVID-19 RENTAL ASSISTANCE	Open	3,726.00	0.00		
00869 DRAEGER SAFETY DIAGNOSTICS, INC	21-00442	04/05/21	PD SIMULATOR CALIBRATION	Open	179.00	0.00		
00896 GIAMMARINO, MICHAEL	21-00027	01/04/21	2021 INTERPRETING SERVICES	Open	150.00	0.00		B
00934 RIVER VALE TOWNSHIP	21-00530	04/21/21	PD 2018 TAHOE KEY REPLACEMENT	Open	374.90	0.00		
01006 APPLE WOOD ESTATES	21-00552	04/28/21	ESCROW REFUND	Open	78.50	0.00		
01012 ALLOCCA, TOM	21-00626	05/12/21	RECREATION REFUND - BASKETBALL	Open	15.00	0.00		
01035 VARNAY, LINDSEY	21-00670	05/19/21	SUMMER CAMP 2020 REFUND	Open	348.00	0.00		
01102 POWER DMS, INC.	21-00519	04/19/21	PD POWER DMS RENEWAL	Open	4,372.49	0.00		
01120 GTBM INC.	21-00528	04/21/21	PD INFO - COP ANNUAL RENEWAL	Open	2,625.00	0.00		
01132 COOPERATIVE COMMUNICATIONS, INC	21-00175	01/25/21	2021 BORO PHONE 201-391-5700	Open	1,997.98	0.00		B
01151 GILL ID SYSTEMS	21-00498	04/14/21	BASKETBALL BADGES	Open	1,020.00	0.00		
01156 DIRECT ENERGY BUSINESS	21-00619	05/10/21	DIRECT ENERGY BUSINESS - APRIL	Open	1,288.46	0.00		
01223 ELECTRICAL POWER SYSTEMS INC.	21-00216	02/04/21	GENERATOR REPAIR - FIRE HOUSE	Open	2,150.06	0.00		
01324 SAFARILAND LLC	21-00521	04/19/21	PD TRAINING 133 142	Open	300.00	0.00		
01330 GHASSALI, MICHAEL	21-00645	05/17/21	MAILCHIMP 5-15-2021	Open	51.99	0.00		

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01395 WATCHGUARD VIDEO	20-01634	12/30/20	UPFITTING OF 2 2021 DODGE CHAR	Open	666.00	0.00		
01472 D.L.S.CONTRACTING, INC.	19-01436	10/10/19	2019 ROADWAY IMPROVEMENTS	Open	20,532.14	0.00		B
01515 LAWSOFT INC.	21-00462	04/06/21	PD LAW SOFT SUPPORT	Open	6,700.00	0.00		
01538 SWIFTRÉACH NETWORKS INC.	21-00461	04/06/21	PD SWIFT 911 NOTIFICATION	Open	2,495.00	0.00		
01760 UNITED PARCEL SERVICE	21-00581	05/06/21	F047X6 UPS - APRIL 2021	Open	126.25	0.00		
01767 VERIZON	21-00563	04/29/21	555-569-014-0001-55 VERIZON	Open	170.64	0.00		
01768 BCW/MADLINE HOUSING PTRS LLC	21-00601	05/06/21	RENTAL ASSISTANCE PROGRAM	Open	1,700.00	0.00		
01946 HEARTSMART.COM	21-00368	03/17/21	PD EXTERNAL DEFIB PADS	Open	1,367.28	0.00		
01949 AT&T MOBILITY	21-00583	05/06/21	PD PATROL PHONES	Open	724.36	0.00		
02056 LERCH, VINCI & HIGGINS, LLP	21-00512	04/16/21	2021 EXCESS SEWER BILLING	Open	4,837.50	0.00		
02141 REGAN, ROBERT T., ESQ.	21-00526	04/21/21	ESCROW PAYMENTS	Open	4,446.00	0.00		
	21-00561	04/29/21	ESCROW PAYMENTS	Open	<u>1,081.25</u>	0.00		
					5,527.25			
02426 VERIZON WIRELESS	21-00614	05/10/21	242317487-00001 VERIZON	Open	491.88	0.00		
03060 TRI-STATE TECHNICAL SERVICES	21-00568	04/30/21	PD COMPUTER VIRUS MAINT	Open	240.00	0.00		
03084 WESLEY SICOMAC DAIRY	21-00104	01/12/21	2021 MILK DELIVERY	Open	25.11	0.00		B
03215 UNUM LIFE INSURANCE	21-00036	01/05/21	2021 LIFE INSURANCE	Open	242.55	0.00		B
03727 STAPLES INC	21-00491	04/14/21	OFFICE SUPPLIES	Open	332.78	0.00		
	21-00537	04/21/21	OFFICE SUPPLIES	Open	<u>230.51</u>	0.00		
					563.29			

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Vendor # Name							
PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04008	GASTON, SCOTT						
21-00584	05/06/21	RIEMB CLOTHING GASTON	Open	114.94	0.00		
Total Purchase Orders:		82	Total P.O. Line Items:	0	Total List Amount:	513,001.27	Total Void Amount: 0.00

Totals by Year-Fund Fund Description Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND 2020 0-01	246,141.96	0.00	246,141.96	0.00	0.00	246,141.96
CURRENT FUND 2021 1-01	159,583.07	0.00	159,583.07	0.00	0.00	159,583.07
CAPITAL FUND C-04	20,532.14	0.00	20,532.14	0.00	0.00	20,532.14
BOA ESCROW ACCOUN E-08	73,656.50	0.00	73,656.50	0.00	0.00	73,656.50
OTHER TRUST ACCOU T-03	6,319.00	0.00	6,319.00	0.00	0.00	6,319.00
DOG TRUST ACCOUNT T-12	9.60	0.00	9.60	0.00	0.00	9.60
OPEN SPACE TRUST T-14	6,411.00	0.00	6,411.00	0.00	0.00	6,411.00
RECREATION TRUST T-19	348.00	0.00	348.00	0.00	0.00	348.00
Year Total:	13,087.60	0.00	13,087.60	0.00	0.00	13,087.60
Total of All Funds:	513,001.27	0.00	513,001.27	0.00	0.00	513,001.27