

PUBLIC MEETING
MINUTES

The Public Meeting of the Mayor and Council was held in Council Chambers and called to order at 732PM. 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 Ghassali, Borough Attorney, Dave Lafferty; Administrator, Joe Voytus; Borough Engineer, Carol O'Brien and Municipal Clerk, Fran Scordo

ROLL CALL:

Councilmember Arendacs - absent
Councilmember Cudequest
Councilmember Koelling

Councilmember Lane
Councilmember Roche
Councilmember Russo-Vogelsang

ORDINANCES:

INTRODUCTION OF ORDINANCE NO. 2024-1561 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 170 OF THE BOROUGH CODE TO REVISE ENGINEERING FEES TO A "FLAT FEE" STRUCTURE
(public hearing 12-12-24)

A motion to Introduce Ordinance 2024-1561 for first reading was made by Councilmember Russo-Vogelsang; seconded by Councilmember Cudequest 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 Cudequest - a roll call was taken – all ayes

INTRODUCTION OF ORDINANCE NO. 2024-1562 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 344 OF THE BOROUGH CODE TO REVISE THE BOROUGH'S STORMWATER MANAGEMENT ORDINANCE

A motion to Introduce Ordinance 2024-1562 for first reading was made by Councilmember Russo-Vogelsang; seconded by Councilmember Cudequest; 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 Cudequest - a roll call was taken – all ayes

MEETING OPEN TO PUBLIC:

Agenda Items Only

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

No Public Comment

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

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

October 29, 2024

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

CLOSED SESSION 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.

190-2024 Authorizing Refund of Redemption of Tax Sale Certificate #22-00001 for Block 1503; Lot 2, 3 Pine Street

WHEREAS, at the Municipal Tax Sale held on October 26, 2023, a lien was sold on Block 1503, Lot 2, also known as 3 Pine Street for 2022 property taxes; and,
WHEREAS, this lien, known as Tax Sale Certificate #22-00001, was sold to Touma & Associates, 30 Henry Street, Glen Rock, NJ 07452 at 0% interest rate and a premium in the amount of \$25,500.00; and
WHEREAS, PHH Mortgage Services has affected redemption of Tax Sale Certificate #22-00001 in the amount of \$31,734.64; 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 Tax Collector be and is hereby authorized to Redeem Certificate #22-00001 in the amount of \$31,734.64 plus \$25,500.00 premium for a total amount of \$57,234.64 to Touma & Associates, 30 Henry Street, Glen Rock, NJ 07452

191-2024 Authorize Budget Transfers Between Appropriation Accounts Pursuant To N.J.S.A. 40a:4-58

WHEREAS, certain transfers of funds for various 2024 budget appropriations are necessary to cover anticipated expenditures; and
WHEREAS, N.J.S.A. 40A:4-58 provides for the transfer of appropriations with excess over and above the amount deemed necessary to fulfill their purposes to those appropriations considered to be insufficient; and
WHEREAS, the appropriations subject to fund transfers hereby are not within those restricted by N.J.S.A. 40A:4-58 for transfer purposes.
NOW, THEREFORE, BE IT RESOLVED, by the Mayor & Borough Council of the Borough of Montvale, in the County of Bergen, State of New Jersey, that the Chief Financial Officer shall and is hereby authorized to make transfers between appropriations accounts of the 2024 Municipal Budget as follows:

	FROM	TO
General Appropriations (A) Operations – within “CAPS” GENERAL GOVERNMENT FUNCTIONS State Uniform Construction Code Construction Official Other Expenses	\$8,500	
Construction Official		

BOROUGH OF MONTVALE**NOVEMBER 14, 2024**

Salaries & Wages		\$8,500
MUNICIPAL COURT FUNCTIONS		
Municipal Court Administration		
Salaries & Wages	\$6,000	
Municipal Court Administration		
Other Expenses		\$6,000
(A) Operations – Excluded from “CAPS”		
Shared Service Agreements		
Municipal Court Administration		
Salaries and Wages	\$15,000	
Municipal Court Administration		
Other Expenses		\$15,000
Pascack Valley Regional School District		
Special Police		
Other Expenses	\$600	
Pascack Valley Regional School District		
Special Police		
Salaries and Wages		\$600

192-2024 A Resolution Amending a Professional Services Contract to King, Moench & Collins LLP to Serve as Special Counsel for Affordable Housing Litigation

WHEREAS, the Governing Body previously awarded a professional services contract to Michael Collins, Esq. and King, Moench & Collins LLP (“KMC”) to serve as Special Counsel for Affordable Housing Litigation to represent the Borough (and other municipalities) in connection with a challenge to the recent legislation concerning Round 4 of the state-wide affordable housing obligations; and

WHEREAS, the Borough’s initial award had a “not to exceed” figure of \$30,000, and the Borough is desirous of increasing this figure to a “not to exceed” value of \$100,000; and

WHEREAS, the payments for KMC’s services shall come from the Trust Fund established with funds from all participating municipalities; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the professional services contract with Michael Collins, Esq. and King, Moench & Collins LLP to serve as Special Counsel for Affordable Housing Litigation is hereby amended to increase the “not to exceed” figure to \$100,000; and

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

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

193-2024 Authorize Release of Escrow-RW Dake and Co. Inc.-33 South Kinderkamack Rd-Block 2402, Lot 2

WHEREAS, RW Dake and Co. Inc. has requested release of escrow posted for 33n S. Kinderkamack Road – Block 2402, Lot 2; and

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

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale hereby release escrow to KPMG LLP in the amount of \$330.00; and

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

194-2024 Award Professional Service Contract to Colliers Engineering & Design, for Tier A Municipal Stormwater Permit, Storm Water Outfall Inspections and Storm Sewer Locations

WHEREAS, the Borough of Montvale is required to perform inspections on all stormwater outfalls.

One third has been completed and the final third by end of 2025. This requirement deems it necessary to engage the professional services of an Engineer to provide inspection services for the Montvale's Tier A- Municipal Stormwater General Permit; 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 Engineer & Design, 300 Tice Blvd, Suite 101, Woodcliff Lake, NJ 07677 has submitted a proposal dated November 7, 2024 which is attached to this resolution; and

WHEREAS, Colliers will perform the preparation of the MS4 compliance report, Storm Sewer Outfall and Detention Basin Inspections, and GIS mapping of approximately one third of the Borough's stormwater conveyance system for a cost not to exceed \$50,000.00; and

WHEREAS, the Certified Municipal Finance Officer certifies funds are available said certification is hereto attached to the original of this resolution; and.

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

195-2024 Authorize Execution of Agreement with Summit Ridge Condominium Association Municipal Service Agreement

WHEREAS, the Condo Services Act provides for a phase in schedule for municipal reimbursement payment at the municipal cost for certain enumerated municipal services or the providing of such services by the municipality in lieu of such reimbursement; and

WHEREAS, an agreement has been negotiated between the Borough of Montvale and Summit Ridge Condominium Association to satisfy the obligation of the Borough as provided by the Condo Service Act, which agreement is attached and made part of this resolution; and

WHEREAS, this agreement shall remain in effect for a five year period to commence on January 1, 2024 and terminating on December 31, 2028; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale hereby authorize the execution of the attached Agreement on behalf of the municipality by the appropriate municipal officials.

196-2024 Authorize Release Of Performance Surety Bond – SHG Montvale MB, LLC - Block 2702, Lot 1; and Block 2801, Lot 2 and Posting Of Two-Year Maintenance Bond

WHEREAS, SHG Montvale MB, LLC (Mercedes Property) has requested a release of their Performance Surety Bond; and

WHEREAS, a completed inspection of the site has been conducted by Collier Engineering and takes no exception to the release of the remaining performance guarantee in the amount \$787,682.66; and

WHEREAS, the cost of this project was \$875,203.07 and as a condition of the release of the cash bond portion in the amount of \$87,520.41 of the Performance Guarantee is the requirement to furnish a two-year Maintenance Guarantee in the amount of \$131,280.46; and

WHEREAS, details of this release are stated in a letter dated October 29, 2024 and in a letter dated November 11, 2024 from Colliers Engineering and has been made a part of this resolution; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that the Borough Treasurer is hereby authorized to release the cash performance guarantee for SHG Montvale MB, LLC when the Two-Year Maintenance Bond in the amount of \$131,280.46 shall be posted with the Municipal Clerk. A copy of this resolution shall be sent to Antimo A. DelVecchio of Beattie Padavano, LLC Counsellors At Law, 200 Market Street, Suite 401, Montvale, NJ 07645.

198-2024 Authorize Release of the Outstanding Balance of the Performance Guarantee for - Montvale Development Associates, LLC - Block 2802; Lot 2 & 3 - Block 1002; Lots 3 & 5

WHEREAS, Montvale Development Associates, Shoppes At DePiero Farm has requested a release of their cash balance Performance Guarantee; and

WHEREAS, a completed inspection of the site has been conducted by Colliers Engineering and takes no exception to the release of the outstanding balance of the performance guarantee in the amount \$187,816.25 per Resolution No. 203-2020; and

WHEREAS, details of this release are stated in a letter dated November 13, 2024 from Colliers Engineering and has been made a part of this resolution; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that the Borough Treasurer is hereby authorized to release the cash performance guarantee for Montvale Development Associates, LLC in the amount of \$187,816.25; a copy of this resolution shall be sent to Antimo A. DelVecchio of Beattie Padavano, LLC Counsellors At Law, 200 Market Street, Suite 401, Montvale, NJ 07645.

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

197-2024 Authorize Release of the Performance Surety Bond for - Montvale Development Associates II, LLC - Block 2802; Lot 2 and Posting of Two-Year Maintenance Bond

WHEREAS, Montvale Development Associates II, LLC has requested a release of their Performance Surety Bond; and

WHEREAS, a completed inspection of the site has been conducted by Colliers Engineering and takes no exception to the release of the Performance Surety Bond in the amount of \$111,103.00 and cash portion of the Performance Bond in the amount of \$12,345.00; and

WHEREAS, the cost of this project was \$8,360,043.97, therefore a two-year maintenance bond in the amount of \$1,254,006.60 is required as a condition of the release of the cash bond portion in the amount of \$12,345.00 of the Performance Guarantee; and

WHEREAS, details of this release are stated in a letter dated November 11, 2024 from Colliers Engineering and has been made a part of this resolution; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that the Borough Treasurer is hereby authorized to release the cash performance bond for Montvale Development Associates II, LLC in the amount of \$12,345.00 and the Performance Surety Bond in the amount of \$111,103.00; when the Two-Year Maintenance Bond in the amount of \$1,254,006.60 shall be posted with the Municipal Clerk. A copy of this resolution shall be sent to Antimo A. DelVecchio of Beattie Padavano, LLC Counsellors At Law, 200 Market Street, Suite 401, Montvale, NJ 07645.

Introduced by: Councilmember Roche; seconded by Councilmember Lane - a roll call was taken - all ayes Clerk explained, we are waiting on Colliers Engineering to confirm the correct amount of the Maintenance bond. Mayor Ghassali suggested we wait until we receive the current amount; the BA stated we can table until the next meeting on November 26; a motion to table resolution by Councilmember Lane; seconded by Councilmember Cudequest – all ayes

BILLS: Administrator read the Bill Report.

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

REPORT OF REVENUE: Administrator read the Report of Revenue for the month of October

COMMITTEE REPORTS:

Council President Roche

Looking to schedule their 2025 networking event in January or February; Tree lighting December 6th;

Councilmember Cudequest

Board of Health

Hackensack nursing will no longer provide services for the borough; NorthWest will provide nursing services to the borough, a new contract will be provided for the next 2 years; completed several inspections; Rabies clinic will be held on Saturday, November 16 at the DPW from 9:30am-11:00am;

Library

32 new cards were issued; Friends of the Library will be hosting their first fashion and jewelry sale on November 23rd; holiday book sale will be scheduled for 2 weeks in December

Seniors

Nov 6 – murder mystery trip; Nov 13-15 – Lancaster, PA; Nov 21 – Thanksgiving feast will be sponsored by the Police department; Dec 3 – Holiday party will be held at Seasons

Councilmember Lane

Fire Dept

36 fire calls; held their 100th anniversary celebration where they recognized past members and current members for years of service awards; new engine should be ready in June 2025

Finance

The budget process is right around the corner; all budget meetings are open to the public meeting

Councilmember Koelling

Police

Monthly report included in original minutes;

Thanked everyone who voted for him and AnnMarie

Councilmember Russo-Vogelsang

BOE

Director of Curriculum will be retiring end of this year.

MAYOR'S REPORT:

Congratulations to Dieter and AnnMarie; Town Hall meeting on November 18 at 7pm, the topic will be affordable housing; December 20 is scheduled for our court date regarding affordable housing; will be meeting with a few more mayors at the league to discuss affordable housing; Economic Committee held their business round table with 20 local businesses attended; Exit 171 discussions are ongoing with the County and Turnpike Authority; southbound parkway ramp on W Grand Ave will be closed for approximately 9 months

ENGINEER'S REPORT: Carl O'Brien

Included in minutes

ATTORNEY'S REPORT: David Lafferty, Esq.

Closed on 26 N Kinderkamack Rd, this will be 6 affordable units for disabled vets

ADMINISTRATOR'S REPORT: Joe Voytus

In December we will receive formal notice from the County Tax Board to do a town-wide re-val for the year 2027; a proposal from Darlene Green was submitted for our vacant land analysis which is needed as part of our round 4 compliance.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

COMMUNICATION CORRESPONDENCE:

None

MEETING OPEN TO THE PUBLIC:

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

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

Motion to open meeting to the public by Councilmember 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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

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

Meeting was adjourned at 8:05pm

Regular Workshop Meeting of the Mayor & Council to be held at 7:30pm on Tuesday, November 26, 2024

Respectfully submitted, Frances Scordo, Municipal Clerk