

**WORK SESSION
MINUTES**

The Work Session Meeting of the Mayor and Council was in the Council Chambers and called to order at 7:30pm. Adequate notification was published in the official newspaper of the Borough of Montvale. Roll call was taken.

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting was provided to The Bergen Record informing the public of the time and place according to the provisions of the Open Public Meeting Law (Chapter 231, P.L. 1975).

ROLL CALL:

Councilmember Arendacs

Council President Lane

Councilmember Cudequest - absent

Councilmember Roche

Councilmember Koelling

Councilmember Russo-Vogelsang

Also Present: Borough Attorney, Dave Lafferty; Administrator, Joe Voytus; Borough Engineer, Nick Chelius and Municipal Clerk, Fran Scordo

ORDINANCES:

INTRODUCTION OF ORDINANCE NO. 2025-1577 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 264 OF THE BOROUGH CODE, "MUNICIPAL PROPERTY," TO ADD A NEW ARTICLE III, "RESTRICTED ACCESS AREAS" (public hearing 7-22-25)

A motion to Introduce Ordinance 2025-1577 for first reading was made by Councilmember Russo-Vogelsang; seconded by Councilmember Roche; Clerk read by title only; Councilmember Roche 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
The BA, Joe Voytus gave a brief explanation stating this was recommended by the JIF Ins, as a result of a group of individuals called "First Amendment Auditors"; which post videos on You Tube; they come to municipalities, mainly police departments and try to antagonize municipal employees by putting a camera in your face and say derogatory comments. This ordinance will allow our Police department to remove these individuals.

MEETING OPEN TO PUBLIC

Agenda Items Only

A motion to open the meeting to the public by Councilmember Roche; seconded by Councilmember Roche - all ayes

Carolee Adams

In regards to Resolution #144-2025, Ms. Adams stated she went to the Planning Board meeting and it was mentioned that New Jersey is the only state with affordable housing coalition; Council President Lane stated that was an opinion not a fact; Ms. Adams asked another question at the Planning Board meeting if this Master Plan can be amended and Ms. Adams stated Chairman DePinto said no. Council President Lane stated yes it can be amended.

MEETING CLOSED TO PUBLIC

Agenda Items Only

A motion to close the meeting to the public by Councilmember Roche; seconded by Councilmember Koelling - all ayes

MINUTES:

June 12, 2025

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

CLOSED/EXECUTIVE MINUTES:

June 12, 2025

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

RESOLUTIONS:

144-2025 A Resolution Endorsing the Housing Element and Fair Share Plan and Spending Plan Prepared by Darlene A. Green, PP, AICP, dated June 6, 2025, and Approved by the Montvale Planning Board on June 17, 2025

WHEREAS, the Borough of Montvale has a demonstrated history of compliance with its Constitutional affordable housing obligations; and

WHEREAS, on March 20, 2024, P.L. 2024, c.2 (“the statute”), which was an amendment to the 1985 Fair Housing Act was signed into law; and

WHEREAS, the statute required new procedures to be followed by municipalities seeking to obtain an Affordable Housing Compliance Certification; and

WHEREAS, the statute abolished the Council On Affordable Housing and replaced it with retired on-recall judges designated as the Program which is intended to process applications by municipalities for Affordable Housing Compliance Certification; and

WHEREAS, pursuant to the statute and Directive No. 14-24 issued by the Director of the Administrative Office of the Courts, a municipality desiring to participate in the program and obtain approval of its affordable Housing Element and Fair Share Plan (“HE/FSP” or “the Plan”) was required to (1) adopt by January 31, 2025 a binding resolution determining its present and prospective need affordable housing obligations and (2) to file an action in the form of a Declaratory Judgment Complaint in the Superior Court within 48 hours after the municipality’s adoption of the aforesaid binding resolution; and

WHEREAS, pursuant to the statute, the Department of Community Affairs (“DCA”) assigned municipalities affordable housing obligations, and on or about October 18, 2024 the DCA assigned Montvale a present need obligation or rehabilitation obligation of 30 units and a prospective need obligation of 348 units; and

WHEREAS, pursuant to the statute, the Mayor and Council adopted a resolution agreeing to the present need obligation of 30 units and determining that the Borough’s prospective need obligation should be 176 units rather than the 348 units determined by the DCA; and

WHEREAS, pursuant to the statute and Directive No. 14-24, the Borough filed a Declaratory Judgment action in the Superior Court on January 30, 2025 under Docket No. BER-L-000750-25; and

WHEREAS, the Borough’s position seeking a reduction of its prospective need obligation to 176 units was challenged by the New Jersey Builders Association (“NJBA”), Fair Share Housing Center (“FSHC”), and SHG Montvale I, LLC; and

WHEREAS, the Affordable Housing Program conducted mediation which was unsuccessful and the Program recommending that the Borough’s Fourth Round obligation was 255 units; and

WHEREAS, it was determined that this calculation of the Borough’s prospective need obligation was incorrect, and a “Supplemental Program Recommendation Statement of Reasons” report was issued on April 30, 2025 which would revise the Borough’s Fourth Round prospective obligation to 237; and

WHEREAS, FSHC objected to the revised report, contending that the Borough’s prospective obligation should be 276, or the original DCA number of 348; and

WHEREAS, the Special Adjudicator agreed in part with the Borough that the prospective need has been improperly calculated; and

WHEREAS, the County Level Housing Judge in a decision dated June 12, 2025 has determined the Borough's prospective need obligation to be 205 units; and

WHEREAS, a municipality is required pursuant to the statute to adopt a HE/FSP by June 30, 2025, and if a municipality does not adhere to this date, the statute requires that it shall not retain immunity from inclusionary zoning litigation until such time as the Borough is determined to be in compliance with the statute, the Fair Housing Act, and the *Mt. Laurel* doctrine; and

WHEREAS, there has been prepared a document entitled, "2025 Housing Element & Fair Share Plan, Borough of Montvale" dated June 6, 2025 prepared by Darlene A. Green, P.P., A.I.C.P., of Colliers Engineering & Design; and

WHEREAS, the Planning Board has conducted on June 17, 2025 a public hearing on the HE/FSP, with notice having been provided in accordance with the provisions of *N.J.S.A. 40:55D-13* which pertains to notices relating to the adoption or amendment of a Master Plan; and

WHEREAS, the HE/FSP is intended to be an Element of the Borough Master Plan; and

WHEREAS, notice of the hearing was provided to other parties, including the Borough's Special Adjudicator and Fair Share Housing Center; and

WHEREAS, by Resolution dated June 17, 2025, the Borough of Montvale Planning Board did adopt the June 6, 2025 Housing Element and Fair Share Plan and Spending Plan, in accordance with applicable law; and

WHEREAS, a copy of said Planning Board resolution is attached hereto; and

WHEREAS, the Mayor and Council are desirous of endorsing the HE/FSP and Spending Plan and authorizing the Borough's professionals to file the HE/FSP with the Court in connection with the Borough's pending Declaratory Judgment action, in order to seek approval of the HE/FSP from the Program and the Court.

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

1. The Borough of Montvale hereby endorses the following obligations for the Fourth Round:

Present Need: 30 units

Prospective Need (RDP): 3 units

Prospective Need (Unmet Need): 202 units
2. The Housing Element and Fair Share Plan and accompanying Spending Plan prepared by Darlene A. Green, PP, AICP, dated June 6, 2025, and adopted by the Planning Board on June 17, 2025, are hereby endorsed by the Borough Council.
3. Montvale's Special Affordable Housing Counsel is hereby authorized and empowered to file the HE/FSP and Spending Plan with the Superior Court and the Program and to seek approval of same in connection with the Borough's pending Declaratory Judgment action.
4. All appropriate Borough officials, officers, employees and appointed professionals are directed, authorized and empowered to take all steps reasonably necessary to effectuate the provisions and purposes of this resolution.

Introduced by: Councilmember Koelling; seconded by Councilmember Roche - a roll call was taken - 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.

139-2025 A Resolution Awarding a Contract to Key Tech Laboratories for Core Sampling and Testing – NJDOT FY2025 Paragon Drive & Philips Parkway Roadway Improvements

WHEREAS, the Borough of Montvale is required to conduct Bituminous Concrete Core Sampling & Testing for the NJDOT FY2025 Paragon Drive & Philips Parkway Roadway Improvements as required by the NJDOT in order to ensure the pavement has been properly installed prior to the release of final payment; and

WHEREAS, the Borough Engineer has recommended that the Borough award this contract to conduct these services to KeyTech Laboratories, consistent with the June 10, 2025 proposal, a copy of which is attached hereto and made a part hereof; and

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

NOW, THEREFORE, BE IT RESOLVED that the Borough of Montvale hereby accepts the Key Tech Proposal, 210 Maple Place, Keyport, NJ 07735 and authorizes the appropriate officials to execute an agreement and/or purchase order for this work in the amount not to exceed \$3,480.00

140-2025 A Resolution Awarding a Contract to Key Tech Laboratories for Core Sampling and Testing – NJDOT FY2024 Woodland Road Roadway Improvements

WHEREAS, the Borough of Montvale is required to conduct Bituminous Concrete Core Sampling & Testing for the NJDOT FY2024 Woodland Road Roadway Improvements as required by the NJDOT in order to ensure the pavement has been properly installed prior to the release of final payment; and

WHEREAS, the Borough Engineer has recommended that the Borough award this contract to conduct these services to KeyTech Laboratories, consistent with the June 10, 2025 proposal, a copy of which is attached hereto and made a part hereof; and

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

NOW, THEREFORE, BE IT RESOLVED that the Borough of Montvale hereby accepts the Key Tech Proposal, 210 Maple Place, Keyport, NJ 07735 and authorizes the appropriate officials to execute an agreement and/or purchase order for this work in the amount not to exceed \$2,870.00

141-2025 Amending Resolution No. 123-2025 for 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 \$350,000; 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 \$350,000; 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*.

142-2025 Resolution Approving Liquor License Renewals - July 1, 2025 Through June 30, 2026

WHEREAS, the following liquor license holder has submitted their renewal application through the POSSE ABC portal and paid the required fee as directed by the Division of Alcoholic Beverage Control; and

WHEREAS, the following liquor license holder has paid the municipal fee and a Tax Clearance Certificate has been received; and

WHEREAS, the applicant is qualified to be licensed per the standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, and pertinent Borough Ordinances; and

NOW THEREFORE BE IT RESOLVED that the Mayor & Council of the Borough of Montvale hereby authorizes the renewal of the following liquor licenses for the period of July 1, 2025 through June 30, 2026; and

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby authorized to issue a liquor license as follows:

0236-36-012-003 - South City Prime Montvale, LLC t/a Fire & Oak for premises at 100 Chestnut Ridge Road, Montvale, NJ

0236-33-004-009 – IOS/Flemings – Flemings Steakhouse for premises at 210 Market Street, Montvale, NJ

143-2025 Approval To Submit A Grant Application And Execute A Grant Contract With The New Jersey Department Of Transportation For The Memorial Drive Improvements - 00343

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Montvale formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Council and Clerk are hereby authorized to submit an electronic grant application identified as MA-2026- Memorial Drive Improvements - 00343 to the New Jersey Department of Transportation on behalf of the Borough of Montvale.

BE IT FURTHER RESOLVED that the Mayor and Council and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Montvale and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

145-2025 A Resolution Awarding a Contract to RP Tech Services for Professional Cybersecurity Compliance and Monitoring Services

WHEREAS, Cybersecurity is a growing concern for local governments; and

WHEREAS, the Borough of Montvale has coverage for cyber-related damages through the Cyber JIF, which determines co-insurance and deductibles based upon existing cybersecurity

infrastructure and controls; and

WHEREAS, the Borough is desirous of upgrading its cybersecurity infrastructure and controls in order to protect against cyber-related incidents and ensure coverage for losses in the event of a breach; and

WHEREAS, the Borough has solicited three proposals for cybersecurity compliance and monitoring services, copies of which are on file with the Borough's Qualified Purchasing Agent; and

WHEREAS, RP tech Services has submitted a proposal dated June 2025, to provide said services for the Borough; and

WHEREAS, RP's proposal includes two elements:

Initial technical efforts to bring the Borough into compliance with the CyberJIF's "Intermediate" level; and

Ongoing monthly software, monitoring and support services to address potential vulnerabilities and threats

WHEREAS, the other proposals received either contained gaps in the services offered or left the Borough open to significant unanticipated costs depending on the recommendations from the vendor after initial consultations; and

WHEREAS, the Borough has determined that RP's proposal is the most advantageous proposal, price and other factors considered, pursuant to N.J.S.A. 40A:11-6.1; and

WHEREAS, the Borough is therefore desirous of awarding a contract to RP consistent with the June 2025 Proposal; 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 by the Governing Body of the Borough of Montvale that a contract is awarded as follows:

Vendor

RP Tech Services
1170 US-22 Suite 206
Bridgewater, NJ 08807

Pricing

\$16,380 (one-time cost)
\$1,432.88 (per month for 12 mos.)

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

ADD-ON RESOLUTION:

146-2025 A Resolution Awarding a Contract to East Coast Emergency Lighting, Inc. Pursuant to State Contract #17-FLEET-00761 for the Purchase and Installation of Various Equipment for the Department's New 2025 Dodge Durango

WHEREAS, the Borough of Montvale has authorized a contract to acquire a 2025 Dodge Durango Police AWD for use by the Montvale Police Department; and

WHEREAS, the Borough has a need to procure certain equipment and installation of said equipment for this vehicle; and

WHEREAS, the Borough has determined that the most convenient and cost-effective way to procure said vehicle is by State Contract pursuant to N.J.S.A. 40A:11-12a, and the Borough may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough did solicit a quote from East Coast Emergency Lighting, Inc. pursuant to State Contract #17-FLEET-00761 for the purchase and installation of said equipment in the total amount of \$24,313.71; and

WHEREAS, the Borough is desirous of awarding this contract and purchasing said equipment from East Coast pursuant to the June 13, 2025 Quote, a copy of which is attached hereto; and **WHEREAS**, the Chief Financial Officer has certified that sufficient funds have been appropriated and are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Borough of Montvale hereby accepts the June 13, 2025 Quote from East Coast Emergency Lighting, Inc., 200 Mecco Drive, Millstone Twp., New Jersey 08535, for the aforementioned equipment and installation.
2. The Mayor, Borough Clerk and/or Borough Administrator are hereby directed, authorized and empowered to execute an agreement with East Coast Emergency Lighting consistent with this resolution and all the conditions applicable to State Contract #17-FLEET-00761 and subject to approval by the Borough Attorney.
3. This resolution shall take effect immediately.

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

BILLS: Administrator read the Bill Report

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

ENGINEER'S REPORT: Nick Chelius

Paving of Woodland Road should begin early August along with Paragon Drive; application for NJDOT grant will be submitted at end of June for paving of Memorial Dr; paving of the train stations parking lot will be paved this week; submitted the plans to the County for Magnolia intersection, waiting to hear from the County. Councilmember Russo-Vogelsang asked for an update with Murray Road. The engineers will go back to inspect the street in July.

ATTORNEY REPORT: Dave Lafferty

Working on bid specs for when the borough takes possession of DePiero Farm

ADMINISTRATOR REPORT: Joe Voytus

Bids were received for Solid Waste; an award resolution will be on for the July meeting; overall pricing came in fairly well;

UNFINISHED BUSINESS:

None

NEW BUSINESS:

- Discussion - Bob Hanrahan – Trail Extension

Mentioned he would like to connect the pathway steps that go into Wegmans parking to the learning center trail here at borough hall

COMMUNICATION CORRESPONDENCE:

None

MEETING OPEN TO THE PUBLIC:

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

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

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

Bob Hanrahan

On going issue with Environmental Commission, Bob would like the Planning Board to require applicants with environmental concerns to include them on their plans that are submitted to the Planning Board and to be included to attend the Planning Board Site Plan Review meetings

Carolee Adams

At the senior luncheon, it was mentioned the seniors were very happy with the Veteran flags; mentioned about having a program or maybe a book for 1-4 year olds about running away

A motion to close meeting to the public by Councilmember Roche; seconded by Councilmember Koelling – all ayes

ADJOURNMENT:

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

Meeting adjourned at 8:26pm

Special ZOOM Meeting of the Mayor & Council will be on Friday, June 27, 2025 at 9AM

Regular Meeting of the Mayor & Council will be held at 7:30pm on Tuesday July 22, 2025

Respectfully submitted, Frances Scordo, Municipal Clerk