

**WORK SESSION
MINUTES**

The Work Session Meeting of the Mayor and Council was in the Council Chambers and called to order at 7:39pm. Adequate notification was published in the official newspaper of the Borough of Montvale. Roll call was taken.

OPEN PUBLIC MEETING STATEMENT

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

ROLL CALL:

Councilmember Arendacs
Councilmember Cudequest
Councilmember Koelling

Councilmember Lane
Councilmember Roche
Councilmember Russo-Vogelsang

Also Present: Mayor Ghassali; Borough Attorney, Dave Lafferty; Administrator, Joe Voytus; Municipal Clerk, Maureen Iarossi-Alwan and Deputy Clerk, Fran Scordo

PROCLAMATION: Arbor Day/April 22nd 2023

ORDINANCES:

INTRODUCTION ORDINANCE NO. 2023-1529 AN ORDINANCE TO AMEND SALARY ORDINANCE NO. 2022-1528 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 2023
(Public Hearing 2-14-23)

A motion to Introduce Ordinance **2023-1529** for first reading was made by Councilmember Cudequest; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Bergen Record; seconded by Councilmember Roche - a roll call was taken – all ayes

MINUTES:

January 10, 2023

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

BUDGET MEETING MINUTES:

January 9, 2023

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

January 23, 2023

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

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.

46-2023 Authorizing the Appointment of Police Chief/Douglas McDowell

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Montvale that the following employed is hereby confirmed, effective January 1, 2023.

Police Chief - Douglas McDowell

47-2023 Tax Appeal Settlement/Life Time Fitness/Tenant/Terraza 18/LLC.

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Life Time Fitness, Tenant/Terraza 18 LLC, Owner (hereinafter the "Tax Appeal"), under Docket Numbers 006979-2021 and 003266-2022, and;

WHEREAS, the aforesaid tax appeal involves a commercial fitness center located at 10 Van Riper Road, and is otherwise referred to as Block 3302 Lot 2 on the tax assessment map of the Borough (hereinafter the "subject property"), and;

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel, the Borough Tax Assessor and the Borough Appraiser, and;

WHEREAS, the terms of the proposed settlement are set forth in the attached Schedule "A" included herein, and;

WHEREAS, it is in the best interest of the Borough to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the settlement of the aforesaid Tax Appeal be hereby approved, in accordance with the terms set forth in the attached Schedule "A", and;

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Borough Administrator, Tax Appeal Attorney and/or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

SCHEDULE "A"

The terms of the aforesaid tax appeal settlement shall consist as follows:

2021 Appeal: \$33,000,000

2022 Appeal: \$35,750,000

The 2023 assessment shall be set at a total amount not to exceed \$36,000,000.

48-2023 A Resolution Authorizing the Execution of the Continued Participation in the Interlocal Services Agreement with Northwest Bergen Central Dispatch for Emergency Dispatch Services

WHEREAS, N.J.S.A. 52:17C-6 requires all New Jersey municipalities to provide telephonic access to an appropriate Public Safety Answering Point (PSAP) serving the municipality; and

WHEREAS, regionalized provision of such services is a concept specifically endorsed by N.J.S.A. 52:17C-7; and

WHEREAS, Northwest Bergen Central Dispatch (hereafter referred to as "NWBCD") is a joint meeting established by the Borough of Glen Rock and the Village of Ridgewood pursuant to N.J.S.A. 40:48B-1, et seq. to provide, among other things, regional PSAP and dispatch services; and

WHEREAS, the Borough of Montvale is a New Jersey municipality with its offices at 12 Mercedes Drive, Montvale, New Jersey; and

WHEREAS, due to increasing costs of operations, capital improvements and maintenance, the Borough of Montvale has determined that it is in the public interest of the communities it serves to have its duties and responsibilities performed by NWBCD; and

WHEREAS, each of the parties is a governmental entity authorized to provide jointly for PSAP and dispatch services pursuant to the provisions of the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.); and

WHEREAS, each of the parties has independently concluded that implementation of the New Jersey mandated Emergency Enhanced 9-1-1 Telephone System program on a shared basis is in the best interests of the taxpayers of the respective entities; and

WHEREAS, Montvale and NWBCD have negotiated the terms of an Interlocal Services Agreement entitled "INTERLOCAL SERVICES AGREEMENT FOR ENHANCED 9-1-1 SERVICE BETWEEN NORTHWEST BERGEN CENTRAL DISPATCH, A Joint Meeting AND THE BOROUGH OF MONTVALE," a copy of which is on file with the Borough Clerk and which is expressly incorporated herein by reference pursuant to N.J.S.A. 40A:65-5(b); and

WHEREAS, the Uniform Shared Services and Consolidation Act requires that the Shared Services Agreement be approved by resolution of the governing body of each participating municipality; and

WHEREAS, the Borough of Montvale is desirous of approving this Agreement and authorizing the Mayor to execute same.

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

1. The Interlocal Services Agreement continued participation referenced herein between the Borough of Montvale and NWBCD is hereby approved.

49-2023 Appointment Jr. Member / Montvale Fire Department / Jacob Ryan Nestory

WHEREAS, the Montvale Fire Department is desirous of adding a junior member; and

WHEREAS, Jacob Nestory of Montvale, NJ has been approved by the Board of Fire Commissioners and has undergone a satisfactory physical, pursuant to the attached application which has been made part of this resolution; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the appointment of Jacob Nestory, as a Jr. Member of the Montvale Fire Department, is hereby approved.

**50-2023 Authorize Execution Access Agreement/Advantage Environmental Consultants/
12 Montvale Ave/Installation Monitoring Well**

WHEREAS, Advantage Environmental Consultants, LLC (AEC) on behalf of their client is investigating ground water contamination at the Montvale Citgo site located at 12 Railroad Avenue in Montvale, and

WHEREAS, a detailed Access Agreement has been provided to the Borough of Montvale which is attached to the original of this resolution and has been reviewed and approved; and

WHEREAS, Mayor Michael Ghassali is hereby authorized to execute the Access Agreement for well installation and testing.

This is a duplicate resolution

**51-2023 Award Professional Service Contract Administrative Agent for the Borough
consistent with N.J.A.C. 5:80-26.14 and to coordinate the affirmative marketing, review and
approval of the sale and rental of affordable units in the Borough of Montvale/Piazza &
Associates, Inc.**

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that it does hereby approve the aforesaid proposal with Piazza & Associates, Inc. for a one (1) year period in accordance with the draft Contract, provided that Piazza & Associates, Inc. submits documentation consistent with N.J.S.A. 19:44A-8 and 16 that it has not made a reportable contribution to any candidate for local office in Montvale or any political committee in the Borough; and

BE IT FURTHER RESOLVED that Mayor and Administrator be and are hereby authorized to execute the Contract on behalf of the Borough.

**52-2023 Amending Resolution No. 33-2022 Awarding a Professional Services Contract to
Surenian, Edwards & Nolan, LLC to Serve as Special Counsel in Connection with the
Borough's Affordable Housing**

WHEREAS, the Governing Body previously awarded a contract to Surenian, Edwards & Nolan, LLC, to serve as Special Counsel to represent the Borough in connection with the Borough's affordable housing obligations; and

WHEREAS, said resolution authorized a Not-To-Exceed figure of \$15,000 without further authorization of the Governing Body; and

WHEREAS, it is necessary to increase the total contract amount by the sum of \$2,359.48 to cover the cost of necessary services rendered for the year 2022; 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 maximum contract amount for Surenian, Edwards & Nolan LLC to serve as Special Counsel is hereby increased to \$17,359.48, which amount shall be sufficient for all invoices for the year 2022.

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.

54-2023 Authorizing The Adoption of the MEL's Cyber JIF Cybersecurity Risk Management Framework Relating To the Borough's Cyber Risk Management Program

WHEREAS, the Borough obtains its Property & Casualty coverages through its membership in the Bergen County Municipal Joint Insurance Fund (hereinafter, the JIF), and,

WHEREAS, the Cybersecurity Risk Management Framework provides a financial incentive (deductible reimbursement), if the Borough establishes and maintains effective policies and practices in accordance with the Cybersecurity Risk Management Framework program promulgated by the JIF and the Municipal Excess Liability Fund (MEL) to safeguard the Information Technology of the Borough and the privacy of its employees, customers and third-party vendors; and

WHEREAS, more specifically, said JIF/MEL achieves Cybersecurity Risk Management Framework compliance through the adoption and implementation of a Two-Level Compliance Program; and

WHEREAS, the Borough places great value and consideration for the Cyber Security programs promulgated by the JIF/MEL.

NOW, THEREFORE BE IT RESOLVED, by the Mayor & Council of the Borough of Montvale, County of Bergen, State of New Jersey, the Borough hereby adopts the following Policies and Protocols which is attached hereto:

**MEL's Cybersecurity Risk Management Framework
Respective to**

Level 2 & Level 3

BE IT FURTHER RESOLVED, the Borough will continue to consider future security enhancements and subsequent modifications to the Cybersecurity Risk Management Framework, as promulgated by the MEL and/or through the recommendation of the Information Technology Professional; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be maintained on file in the Borough's office and shall also be forwarded to Professional Insurance Associates, 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Risk Management Consultant to the Borough

55-2023 Authorize Budget Transfers Between Appropriation Accounts Pursuant to N.J.S.A. 40A:4-58

WHEREAS, certain transfers of funds for various 2022 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 2022 Municipal Budget as follows:

	FROM	TO
General Appropriations (A)Operations - within "CAPS" UTILITIES Water	\$6,500	
General Appropriations (A)Operations - within "CAPS" UTILITIES Electricity		\$6,500

56-2023 Amending Resolution No. 19-2023 Authorizing the Policy & Procedures Manual of the Municipality

WHEREAS, the Municipality has a Policies & Procedures Manual which has been established to ensure Employees and prospective Employees are treated in a manner consistent with all applicable employment laws, regulations and protocols; and

WHEREAS, the Borough places great value and consideration in relation to the health, well-being and safety of its Employees.

WHEREAS, said Manual is also in accordance with the requirements promulgated by the North Bergen Municipal Joint Insurance Fund and under the auspices of the New Jersey Municipal Excess Liability Fund; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey the Manual previously adopted is hereby amended to include the following changes which are hereto attached to this resolution; and

BE IT FURTHER RESOLVED, the Borough will continue to monitor changes in Federal and State Statutes and Regulations to ensure continued compliance with applicable laws, regulations and policies that impact the employment practices of the Municipality; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be maintained on file in the Municipal Clerk's office and shall also be forwarded to Professional Insurance Associates, 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Risk Management Consultant for the Municipality

57-2022 Renewal Bergen Municipal Employee Benefits Fund

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the **Bergen Municipal Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 *et seq.*, and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

WHEREAS, the governing body of the Borough of Montvale hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
 - a.) Health Insurance and/or Dental and/or Prescription as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

Bergen Municipal Employee Benefits Fund

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

53-2023 Approving Study For Emergency Medical Services/Tri Borough Volunteer Ambulance

WHEREAS, across the country municipalities have had difficulty in maintaining the necessary volunteers to provide full-time emergency ambulance services; and

WHEREAS, the Boroughs of Montvale, Park Ridge and Woodcliff Lake are entering into a Shared Services Agreement for retaining a consultant for emergency medical services; and

WHEREAS, EMS Consulting Services has submitted a proposal to perform a study and assessment of the emergency medical services provided with Tri-Boro Volunteer Ambulance regarding funding, recruitment, compensation and retention of volunteers; and

WHEREAS, the proposal, a copy of which is attached hereto and incorporated herein by reference, reflects a cost of \$15,000.00 with the Borough of Montvale, Borough of Park Ridge and the Borough of Woodcliff Lake each contributing \$5,000.00 toward the cost of same; and **WHEREAS**, the Borough Administrator has reviewed the proposal submitted by EMS Consulting Services, a copy of which is attached hereto and incorporated herein by reference, and recommends the approval of same.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the proposal submitted by EMS Consulting Services in the amount of \$15,000.00 to perform a study and assessment of the emergency medical services provided with Tri-Boro Volunteer Ambulance for the Borough of Montvale, Borough of Park Ridge and Borough of Woodcliff Lake and Borough of Montvale, be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Borough of Woodcliff Lake shall be the lead agency with respect to the agreement; and

BE IT FURTHER RESOLVED, that the Borough of Montvale, Borough of Park Ridge and Borough of Woodcliff Lake shall each contribute \$5,000.00 towards the cost of the study; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to forward a copy of this resolution to EMS Consulting and the Borough of Woodcliff Lake and the Borough of Park Ridge upon its passage.

Introduced by: Councilmember Roche; seconded by Councilmember Lane - a roll call was taken - all ayes with the exception of Councilmember Roche abstaining.
Mayor Ghassali stated this is as a result of meeting with Park Ridge and Woodcliff Lake to hire a consultant to determine what is needed for Tri-Boro

58-2023 A Resolution Authorizing the Execution of an Access Agreement for the Installation of Two Monitoring Wells on the Borough-Owned Parking Lot on Railroad Avenue

WHEREAS, Advantage Environmental Consultants, LLC (AEC), on behalf of Atlantis Management Group (AMG), is investigating ground water contamination at the Montvale Citgo site located at 12 Railroad Avenue in Montvale, New Jersey; and

WHEREAS, during the investigation, elevated levels of petroleum related compounds were detected in the ground water; and

WHEREAS, recent sampling has indicated that a plume of contaminated ground water has potentially moved off-site; and

WHEREAS, AEC intends to install one (1), two-inch-diameter well on the municipal parking lot property located on Railroad Avenue and one (1) two-inch-diameter well in the sidewalk located adjacent to Railroad Avenue to delineate potential groundwater impacts to the north and east; and

WHEREAS, the monitoring wells will be completed as flush-mounted wells; and

WHEREAS, the well installation and quarterly sampling will be conducted at no cost to the Borough, and a summary of the analytical results will be provided to the Borough upon completion and decommissioning of the wells as authorized by the NJDEP; and

WHEREAS, AEC has provided an Access Agreement that provides for, *inter alia*, proof of insurance and indemnification of the Borough by AEC in connection with the installation of the monitoring wells; and

WHEREAS, the Borough is desirous of approving said Access Agreement.

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

The Access Agreement dated January 11, 2023, provided by Advantage Environmental Consultants, LLC is hereby approved.

The Mayor and Borough Clerk are hereby directed, authorized and empowered to execute said Access Agreement on behalf of the Borough.

All other appropriate Borough officials, officers, employees and agents are further directed, authorized and empowered to take all steps reasonably necessary to effectuate the provisions and purposes of this resolution.

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

Councilmember Cudequest asked for clarification. The administrator explained that there were some contaminants discovered on the Citgo site and they want to make sure it did not migrate to other areas.

BILLS: Municipal Clerk read the Bill Report

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

ENGINEER'S REPORT:

Andrew Hipolit - absent
Report/Update

a. Upper Saddle River Road Drainage Improvements / Emergency Repair

The administrator stated that the work needs to be done and the borough has a contract already in place for emergency repairs.

ATTORNEY REPORT:

David Lafferty, Esq.
Report/Update
No report

UNFINISHED BUSINESS:

a. Discussion Tri-Borough Ambulance / Stipend / 911 Calls / Transport

Mayor Ghassali stated in his latest discussions with Park Ridge and Woodcliff Lake, Tri-Boro was asking for \$5,000 per town for a stipend each quarter. Woodcliff Lake wanted to wait to see what the study finds. Councilmembers authorized the stipend without the study.

NEW BUSINESS:

a. Appointment Environmental Commission / Alternate #2 - Louis Baldanza

Mayor Ghassali would like to appoint Lou Baldanza as an Alternate #2. He comes highly recommended.

c. Discussion / Celebration of Ramadan - Various Events

Zaheera Khan spoke about creating awareness of Ramadan. She would like to have 2 events, a lighting ceremony and an Inter-Faith dinner. Details and dates to be determined.

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 Lane; seconded by Councilmember Cudequest – all ayes

Carolee Adams

Mentioned that on a recent post on the Montvale Police Facebook page about the new recruits, it came up with trying to sell Montvale Police Department items, sweatshirts etc. This is not coming directly from the police department, it is a third party. Suggested that the police department should make a statement. In regards to Tri-Boro, a few years ago it was mentioned that they did not have enough trainers to train new recruits, Mrs. Adams asked the mayor to bring it up at his next discussion. Mrs. Adams spoke about the 911 dispatch service and there has been some complaints reported with the service. Suggested to have an analysis of the water done in the area. Asked if there is a way to check on the affordable units to see if they continue to be legitimate. The administrator stated that there are only certain things you can do by regulation standards.

A motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Cudequest – all ayes

ADJOURNMENT:

Motion to adjourn by Councilmember Lane; seconded by Councilmember Cudequest – all ayes

Meeting adjourned at 8:20pm

The Next Regular Public Meeting of the Mayor & Council to be held at 7:30pm on February 14th, 2023

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk