

**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
Councilmember Cudequest
Councilmember Koelling

Councilmember Lane
Councilmember Roche
Councilmember Russo-Vogelsang

Also Present: Mayor Mike Ghassali; Borough Attorney, Dave Lafferty; Borough Engineer, Carl O'Brien; Administrator, Joe Voytus; Municipal Clerk, Fran Scordo

ORDINANCES:

None

MINUTES:

November 14, 2024

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

CLOSED SESSION MINUTES:

October 29, 2024

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

November 14, 2024

A motion to accept closed session minutes by Councilmember Lane; seconded by Councilmember Cudequest - 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.

200-2024 RE: A Resolution Authorizing the Execution of a Grant Agreement with the BMED Gateway Fund for the Borough's Health and Wellness Program for 2025

WHEREAS, the Borough of Montvale affirms its understanding that the BMED Gateway Fund offers a grant opportunity to its member agencies who wish to initiate a partnership with the Fund to incentivize employee participation in health and wellness programming and awareness; and **WHEREAS**, the Borough of Montvale understands that the grant is a matching grant and that participation in the Program requires local budgetary support and administration; and **WHEREAS**, the application for grant consideration requires a resolution of the governing body's understanding and support for promoting health and wellness concepts within their employee population.

NOW THEREFORE BE IT RESOLVED that the Borough of Montvale authorizes the submission of a grant application for \$5,000.00 to the BMED Gateway Fund to enable their participation in the Fund's Health and Wellness Program for the 2025 calendar year.

201-2024 RE: 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 \$123,448.00, therefore a two-year maintenance bond in the amount of \$15,431.00 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

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 \$15,431.00 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.

202-2024 Award Professional Service Contract – Affordable Housing Planning Consultant – LJS Consulting, LLC

WHEREAS, the Borough of Montvale has a need to hire an Affordable Housing Planning Consultant through the alternate process pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and,

WHEREAS, Lara J. Schwager of LJS Consulting, LLC, has demonstrated the necessary expertise to provide such services to the Borough of Montvale; and

WHEREAS, Lara J. Schwager of LJS Consulting, LLC, has submitted a proposed Consulting Agreement, annexed hereto; and

WHEREAS, it is the desire of the Mayor and Borough Council to appoint Lara J. Schwager of LJS Consulting, LLC, 68 Equestrian Drive, Burlington, New Jersey 08016 for affordable housing planning services for the Borough; and

WHEREAS, the cost of this Agreement is not to exceed \$10,000.00; and

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

WHEREAS, LJS Consulting, LLC. has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Borough of Montvale in the previous one year, and that the contract will prohibit LJS Consulting, LLC from making any reportable contributions through the term of the contract; and

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

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

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

This Agreement shall not exceed \$10,000.00 without further approval of the Governing Body.

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

203-2024 Re: A Resolution Approving A Shared Service Agreement Between The Borough Of Montvale And The County Of Bergen For The Provision Of Secure High-Speed Fiber Optic Internet Services

WHEREAS, the New Jersey Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes municipalities such as the Borough of Montvale to enter into Shared Services Agreements (SSA) with other local units of government, including the County of Bergen; and

WHEREAS, the Borough of Montvale is in need of the provision of secure high-speed fiber optic internet services; and

WHEREAS, the County of Bergen through its Department of Administration and Finance – Division of Information Technology, currently provides, through its County Owned Information Technology (IT) infrastructure, Secure High Speed Fiber Optic Internet, and basic supportive Services in connection with the same, for many Bergen County facilities; and

WHEREAS, the County of Bergen has the expertise and sufficient resources to provide these services to the Borough of Montvale on the infrastructure of the County of Bergen; and

WHEREAS, the County of Bergen has provided a Shared Services Agreement in the form annexed hereto for the provision of Secure High Speed Fiber Optic Internet, and basic supportive services for an initial term of three years, with a one year option to renew for a monthly fee of \$150.00; and

WHEREAS, the Mayor and Council are desirous of entering into such Agreement between the Borough of Montvale and County of Bergen;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Montvale, County of Bergen, in the State of New Jersey that a Shared Services Agreement between the County of Bergen and the Borough of Montvale for the provision of secure high-speed fiber optic internet service be and same hereby is approved; and

BE IT FURTHER RESOLVED, that the Mayor, Borough Administrator and/or Borough Attorney are hereby authorized to execute such Shared Services Agreement on behalf of the Borough of Montvale.

204-2024 RE: Authorize Release of the Performance Surety Bond for – LC Developers, LLC Block 712, Lot 9 – 69 Montvale Ave

WHEREAS, The Commercial Agency, Inc representing LC Developers has requested a release of their Performance Surety Bond; and

WHEREAS, a letter dated October 4, 2022 by Colliers Engineering attached to original resolution takes no exception to the release of the Performance Surety Bond in the amount of \$21,660.00; and

WHEREAS, a renewal of a two-year surety bond is not required, this project is deemed complete; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that a copy of this resolution shall be sent to The Commercial Agency, Inc., 141 Kinderkamack Road, Park Ridge, NJ 07656 Attn: Meredith Adams

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

205-2024 Re: Requesting Approval of Items Of Revenue And Appropriation N.J.S.A. 40a:4-87 – Drive Sober Or Get Pulled Over Year-End Holiday Crackdown

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law, and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Montvale, in the County of Bergen, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the CY 2024 Municipal Budget in the sum of \$7,000, which is now available as revenue from:

Miscellaneous Revenues – Section F:

Special Items of Revenue Anticipated with Prior Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

Drive Sober or Get Pulled Over Year End Holiday Crackdown (FCOA 10-509).

BE IT FURTHER RESOLVED that the like sum of \$7,000 is hereby appropriated under the caption:

General Appropriations:

(A) Operations – Excluded from “CAPS”

Public and Private Revenues Offset by Revenues

Drive Sober or Get Pulled Over Year End Holiday Crackdown (FCOA 41-509).

BE IT FURTHER RESOLVED that a copy of this Resolution shall be electronically filed with the Director for approval as required by law.

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

199-2024RE: A Resolution Authorizing The Borough Of Montvale To Withdraw From The Pascack Joint Municipal Court

WHEREAS, on or about February 8, 2011, the Borough of Montvale (“Montvale”) entered into a Shared Services Agreement (“SSA”) along with the Borough of Woodcliff Lake (“Woodcliff Lake”) and the Borough of Park Ridge (“Park Ridge”) (collectively, “the Municipalities”) which established the Pascack Joint Municipal Court (“Joint Court”) pursuant to N.J.S.A. 2B:12-1(b); and

WHEREAS, prior to the establishment of such Joint Court, the Boroughs of Montvale, Woodcliff Lake and Park Ridge each maintained separate municipal courts; and

WHEREAS, prior to the establishment of the Joint Court, the Municipalities conducted a mutually-supported study of the feasibility of either a joint municipal court pursuant to N.J.S.A. 2B:12-1 or a shared municipal court pursuant to N.J.S.A. 2B:12-1(c); and

WHEREAS, the municipalities ultimately determined it to be in their best interests to establish a joint municipal court; and

WHEREAS, N.J.S.A. 2B:12-1, et seq. authorizes the formation of a joint court provided that an agreement is entered into by all of the Municipalities, and provided that such Agreement is approved by and filed with the State of New Jersey Administrative Office of Courts and the Assignment Judge of the Superior Court of New Jersey, Bergen County; and

WHEREAS, the SSA was established in accordance with the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. and designated Montvale as the lead agency; and

WHEREAS, the SSA was renewed in or about July 2023 by the Municipalities on substantially similar terms as the 2011 SSA; and

WHEREAS, Article VI, Section VI, Paragraph 1 of the New Jersey Constitution requires that the Judge of the Joint Court be nominated and appointed by the Governor of New Jersey with the advice and consent of the New Jersey Senate; and

WHEREAS, the 2023 SSA also provides that the Judge of the Joint Court shall be nominated and appointed by the Governor with the advice and consent of the Senate, following the recommendation of such Judge by the Joint Court Advisory Committee, established under Section VII(D) of the SSA; and

WHEREAS, a Judge of a single-municipality Municipal Court or a Shared Municipal Court does not have to be nominated and appointed by the Governor or confirmed by the Senate; and

WHEREAS, the position of Judge of the Joint Court has been vacant since approximately December 31, 2023; and

WHEREAS, the Joint Court Advisory Committee advanced the name of a qualified individual to serve as Judge of the Joint Court to the Governor in or around January of 2024; and

WHEREAS, the Governor has failed to nominate and the Senate has failed to confirm said individual; and

WHEREAS, the Joint Court has been operating with temporary judges designated by the Bergen County Assignment Judge and without a permanent Judge for approximately the last ten months with no indication a permanent judge will be soon nominated, appointed and/or confirmed; and

WHEREAS, for this and other reasons, Montvale has determined that it is no longer in its best interest to continue membership in the Joint Court and that it is in its best interest to withdraw from same as provided for in Section III(C) of the 2023 SSA; and

WHEREAS, upon its withdrawal from the Joint Court, Montvale is agreeable to continue as a shared municipal court pursuant to N.J.S.A 2B:12-1(c) along with Park Ridge and/or Woodcliff Lake or other municipalities or to resume operating as a single Municipal Court;

NOW, THEREFORE, BE IT RESOLVED, the Governing Body of the Borough of Montvale, County of Bergen, in the State of New Jersey hereby authorizes the Borough Administrator or Borough Attorney to serve a written notice to the Joint Court and the Municipalities of its intention to withdraw from the Joint Court effective January 1, 2026 and that such notice be delivered to the Joint Court and the Municipalities on or before December 31, 2024; and

BE IT FURTHER RESOLVED, nothing herein shall foreclose Montvale from negotiating with the Municipalities regarding the continuation of the Joint Court, the establishment of a shared municipal court or such other agreement as may be in the interests of Montvale or the Municipalities.

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

Councilmember Lane stated that according to the agreement of the joint court, you have to give a year's notice to withdraw; given the uncertainty of Trenton appointing a judge and the governance issues of all 3 towns, we are proposing it to be a shared court rather a joint court. This way the borough would be the lead and be able to hire a judge and attorneys.

BILLS: Administrator read the Bill Report

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

ENGINEERS REPORT: Carl O'Brien

In the process to do a 5-year plan for the pump stations; preparing for budget items including the road program; will review options for the Huff park playground;

ATTORNEY REPORT: David Lafferty, Esq.

No Report

ADMINISTRATOR REPORT: Joe Voytus

No Report

UNFINISHED BUSINESS:

None

NEW BUSINESS:

- a. Schedule Re-Organization Meeting – January 1, 2025 at Noon
- b. Schedule Budget Meetings Jan 6, 13 and 27 at 6pm on Zoom
- c. Change Council meeting dates in 2025

Councilmembers agreed on all dates

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 Roche – all ayes

No Public Comment

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

ADJOURNMENT:

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

Meeting adjourned at 8:00pm

Respectfully submitted, Frances Scordo, Municipal Clerk