

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held in Council Chambers and called to order at 7:31PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Master Sergeant 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, Dave Lafferty; Borough Engineer, Nick Chelius; Administrator, Joe Voytus; and Municipal Clerk, Fran Scordo

ROLL CALL:

Councilmember Arendacs - absent
Councilmember Cudequest
Councilmember Koelling

Councilmember Lane – via telephone
Councilmember Roche
Councilmember Russo-Vogelsang - absent

ORDINANCES:

PUBLIC HEARING 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"

WHEREAS, the Borough of Montvale recognizes the importance of the rights guaranteed under the First Amendment of the United States Constitution and Article I Section 6 of the New Jersey Constitution; and

WHEREAS, the Borough of Montvale acknowledges that as a matter of public policy, the rights afforded by the First Amendment of the United States Constitution and Article I Section 6 of the New Jersey Constitution are not unlimited; and

WHEREAS, the rights afforded by the First Amendment of the United States Constitution and Article I Section 6 of the New Jersey Constitution are subject to reasonable time, place, and manner restrictions; and

WHEREAS, Borough of Montvale officials and employees have a responsibility to maintain and safeguard public records that consist of confidential information; and

WHEREAS, to adequately comply with the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1, and to comply with the statutorily defined responsibilities, the maintenance and custody of specific records are required; and

WHEREAS, municipal officials assigned this responsibility include, but are not limited to: the Municipal Clerk, Police Chief, Library Director, Chief Financial Officer, Tax Collector, Tax Assessor, Municipal Court Administrator, Municipal Prosecutor, Public Defender, Municipal Court Judge, Construction Official, Fire Chief, Fire Official, Board of Health Secretary, Registrar, and the Borough Administrator; and

WHEREAS, the responsibility for the maintenance and safeguarding of records, reports, documents and information in municipal offices may not be available for immediate public view since they may contain personal information, phone numbers, social security numbers, dates of birth and other confidential information; and

WHEREAS, securing these records maintains the integrity of this information, and when an Open Public Records Act request is received, and it is determined that a requestor is entitled to the records, the records can be released individually and redacted as required by law; and

WHEREAS, it is not expected that municipal employees physically intervene to protect a record, and creating secure areas with clear signage will help deter persons from collecting records which they are not entitled to receive without following the process required by the Open Public Records Act; and

WHEREAS, within the Borough there are also offices and other areas that must be closed to public access to safeguard the health, safety and welfare of the public as well as that of Borough officers, officials and employees, including but not limited to locations with heavy machinery, equipment, emergency vehicles and other apparatus.

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

Section 1. Chapter 264 of the Borough Code is hereby amended and supplemented by adding a new Article III, "Restricted Access Areas," as follows:

Article III Restricted Access Areas

§264-14 Purpose.

- A. The Borough of Montvale recognizes the importance of the rights guaranteed under the First Amendment of the United States Constitution and Article I Section 6 of the New Jersey Constitution. However, the Borough of Montvale acknowledges that as a matter of public policy, the rights afforded by the First Amendment of the United States Constitution and Article I Section 6 of the New Jersey Constitution are not unlimited and are subject to reasonable time, place, and manner restrictions.
- B. Borough of Montvale officials and employees have a responsibility to maintain and safeguard public records that consist of confidential information, and to adequately comply with the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1, and to comply with the statutorily defined responsibilities, the maintenance and custody of specific records are required. Borough of Montvale officials assigned this responsibility include, but are not limited to: the Municipal Clerk, Police Chief, Library Director, Chief Financial Officer, Tax Collector, Tax Assessor, Municipal Court Administrator, Municipal Prosecutor, Public Defender, Municipal Court Judge, Construction Official, Fire Chief, Fire Official, Board of Health Secretary, Registrar, and the Borough Administrator.
- C. The Borough is responsible for the maintenance and safeguarding of records, reports, documents and information in municipal offices, which records may not be available for immediate public view since they may contain personal information, phone numbers, social security numbers, dates of birth and other confidential information. Securing these records maintains the integrity of this information, and when an Open Public Records Act request is received, and it is determined that a requestor is entitled to the records, the records can be released individually and redacted as required by law.
- D. The Borough of Montvale does not expect municipal employees to physically intervene to protect a record. Therefore, creating secure areas with clear signage will help deter persons from collecting records which they are not entitled to receive without following the process required by the Open Public Records Act.
- E. Within the Borough there are also offices and other areas that must be closed to public access to safeguard the health, safety and welfare of the public as well as that of Borough officers, officials and employees, including but not limited to locations with heavy machinery, equipment, emergency vehicles and other apparatus

- F. This Article is intended to clearly define Restricted Access Areas in municipal buildings that are not subject to access to members of the public.

§264-15 Definitions.**PUBLIC**

Any Borough resident or non-Borough resident, but not including the following:

- Officers, employees and elected or appointed officials of the Borough of Montvale
- Contractors of the Borough authorized by appropriate personnel to access Restricted Access Areas for the purpose of performing their contractual duties
- Officers, employees and elected or appointed officials of the State of New Jersey
- Officers, employees and elected or appointed officials of the County of Bergen
- Officers, employees and elected or appointed officials of the United States Federal Government
- Any other person who has been authorized by the Mayor, Administrator, Council President, Chief of Police, Fire Chief, Clerk, or other authorized representative of the Borough of Montvale

RESTRICTED ACCESS AREA

Any Borough office or portion of a municipal building or facility that is not open to the public

§264-16 Restricted Access Areas enumerated.

With the exception of public reception spaces, the municipal office areas in the following locations shall be deemed "Restricted Access Areas" that are secured and not open to the public:

- A. Montvale Borough Hall – 12 DePiero Drive
- B. Montvale Police Department – 12 DePiero Drive
- C. Montvale Public Library – 12 DePiero Drive
- D. Montvale Municipal Court – 12 DePiero Drive
- E. Montvale Fire Department – 35 W. Grand Avenue
- F. Montvale DPW Garage – Memorial Drive
- G. La Trenta Fieldhouse – 159 Chestnut Ridge Road
- H. Montvale Senior/Community Center – 1 Memorial Drive
- I. Any other location marked by appropriate signage as a Restricted Access Area

§264-17 Signage to be posted.

- A. The Borough of Montvale shall post signs outside of offices which identify such Restricted Access Areas, which may include, but not be limited to, language such as the following:
 - 1. "Restricted Access Area"
 - 2. "Authorized Employees Only"
 - 3. "Recording or Photography is Strictly Prohibited"
 - 4. "Violators are Subject to Criminal Prosecution"
- B. Any variation of the above language shall include the following warning: "Violators are Subject to Criminal Prosecution."

§264-18 Violations and penalties.

- A. Any member of the public who trespasses in a Restricted Access Area, as defined in this Article, unless permitted by an authorized Borough representative, may be escorted from the Restricted Access Area by the Montvale Police Department.
- B. Any person who violates any provision of this Article or who trespasses in a Restricted Access Area without authorization shall be punishable upon conviction as provided in Chapter 1, Article I, General Penalty and/or be subject to prosecution under N.J.S.A. 2C:18-3.

Section 2. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 5. Effective Date.

This Ordinance shall become effective upon adoption and publication as required by law.

*A motion Introduced for second reading **Ordinance No. 2025-1574** by Councilmember Cudequest; seconded by Councilmember Roche; Clerk read by title only.
Motion to open meeting to public by Councilmember Roche; seconded by Councilmember Cudequest - all ayes*

No Public Comment

Motion to close meeting to the public by Councilmember Cudequest; seconded by Councilmember Roche - all ayes Motion to adopt on Second and Final Reading in The Bergen Record by Councilmember Roche; seconded by Councilmember Cudequest; Clerk read by title only - All ayes on a roll call vote

Councilmember Cudequest asked for an explanation, the BA, stated this was a recommendation from our Risk Manager to put in place if someone would get into any of our buildings where public access is not allowed. This ordinance would allow our police department to enforce it.

MEETING OPEN TO PUBLIC:

Agenda Items Only

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

No Public Comment

Motion to close meeting to the public by Councilmember Koelling; seconded by Councilmember Cudequest - all ayes

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:June 24, 2025

*A motion to accept minutes by Councilmember Koelling; seconded by Councilmember Roche
– all ayes with the exception of Councilmember Cudequest abstaining*

June 27, 2025

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

CLOSED/EXECUTIVE MINUTES:June 24, 2025

*A motion to accept closed minutes by Councilmember Koelling; seconded by Councilmember Roche
– all ayes with the exception of Councilmember Cudequest*

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.

149-2025 Authorize Hiring - Full Time Finance Clerk / Payroll Specialist – Kasey Ciborowski

WHEREAS, the Borough of Montvale is in need of a Finance Clerk/Payroll Specialist in the Finance Department; and

WHEREAS, Kasey Ciborowski meets the qualifications for this position and agrees to the terms and conditions of employment, and has previously completed a satisfactory background investigation; 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 a full-time Finance Clerk/Payroll Specialist, effective July 1, 2025.

150-2025 Authorize Release Two Year Maintenance Bond – SHI-IV Thrive Montvale Owners, LLC – 110 Summit Ave

WHEREAS, SHI-IV Thrive Montvale Owners, LLC – 110 Summit Ave is requesting a release of their Maintenance Bond; and

WHEREAS, a completed inspection of the site has been conducted by Colliers Engineering & Design, which recommends said release of the Maintenance Bond in a letter dated June 23, 2025 which is attached to the original of this resolution; and

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby authorized to release the Maintenance Bond in the amount of \$91,275.00 to SHI-IV Thrive Montvale Owners, LLC – 110 Summit Ave, Montvale, NJ 07645

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that SHI-IV Thrive Montvale Owners, LLC shall receive a copy of this resolution.

151-2025 Award Professional Service Contract to Colliers Engineering & Design to Update the Existing Tax Maps for the Upcoming Revaluation

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide professional services to Update the Existing Tax Maps for the Upcoming Revaluation; 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, with offices located at 400 Valley Road, Suite 304, Mt. Arlington, NJ 07856 has submitted a proposal dated March 19, 2025 to provide the engineering services which are detailed and 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:

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.

1. That the following be provided: Tax Map Update for Revaluation and Submission to the Division of Taxation for review
2. The cost not to exceed shall be \$34,200.00
3. 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 DePiero Drive, Montvale, NJ 07645.

152-2025 A Resolution Authorizing The Subordination Of A Mortgage Lien Held By The Montvale Home Improvement Program With Respect To Property Located At 24 Hillside Terrace, Montvale, New Jersey

WHEREAS, the Borough holds a mortgage lien against the real property located at 24 Hillside Terrace, Montvale, New Jersey (hereinafter referred to as the "Property") in connection with the Montvale Home Improvement Program in the amount of \$20,000.00; and

WHEREAS, the owners of the Property, Harry Choron and Sandra Choron (hereinafter "Owners") have requested that the mortgage lien be subordinated to a mortgage to be given to Finance of America Reverse LLC in the amount of \$813,000.00; and

WHEREAS, the Governing Body has determined there is no negative effect to the Borough in accommodating the request of the Owners.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that Mayor is authorized and directed to execute a Subordination Agreement subordinating the mortgage lien in the principal amount of \$20,000.00 dated November 4, 2019, and recorded in the Bergen County Clerk/Register's Office in Book V 4838, page 411, to a first priority mortgage of Finance of America Reserve, LLC in the amount of \$813,000.00; and

BE IT FURTHER RESOLVED, that the Owners shall be solely responsible for any and all costs associated with the preparation and recording of said Subordination Agreement and related documents.

154-2025 A Resolution Authorizing The Cancellation of Grant Receivables for NJDOT Local Aid Projects in the Capital Fund and Current Fund

WHEREAS, the Borough of Montvale received NJDOT Local Aid grants for improvements to Summit Avenue, Terkuile Road, and Various Roads (2019); and

WHEREAS, all three projects are complete and all eligible reimbursements have been received; and

WHEREAS, the following outstanding receivables remain on the Borough's books:

Capital Fund

- NJDOT Local Aid – Summit Avenue: \$9,089.35
- NJDOT Local Aid – Terkuile Road: \$31,451.38

Current Fund

- NJDOT Local Aid – Various Roads 2019: \$35,098.00

WHEREAS, the Chief Financial Officer recommends cancellation of these receivables as no further funds are due to the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, in the County of Bergen, State of New Jersey, that the Chief Financial Officer is hereby authorized and directed to cancel the above-referenced grant receivables from the Capital Fund and Current Fund, as applicable.

155-2025 A Resolution Awarding a Contract to Terrestrial Imaging, LLC Pursuant to Co-Op Bid # BC-Bid-22-11 for the Purchase of One (1) DJI Matrice 30T Model Drone Utilizing Seizure Funds

WHEREAS, the Borough of Montvale has a need to acquire one (1) DJI Matrice 30T Model Drone use by the Montvale Police Department; and

WHEREAS, the Borough did apply to the Bergen County Prosecutor's Office to utilize Seizure Funds for this purchase, which was approved by the Prosecutor; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), 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 Treasury; and

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Borough of Montvale is a member of the Bergen County Co-Op; and

WHEREAS, the Borough did solicit three quotes for this Drone, copies of which are on file with the Borough's Qualified Purchasing Agent; and

WHEREAS, the lowest proposal received was from Terrestrial Imaging, LLC in the total amount of \$18,888.99; and

WHEREAS, the Prosecutor's Office has agreed to reimburse the Borough for the total amount of \$18,840.88 for said Drone upon completion of this purchase, leaving the total cost to the Borough taxpayers of only \$48.11; and

WHEREAS, the Borough is desirous of awarding this contract and purchasing said Drone from Terrestrial Imaging pursuant to the July 1, 2025 Proposal, 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, that the Borough of Montvale hereby accepts the July 1, 2025 Proposal from Terrestrial Imaging, LLC, 375 Herbertsville Road, Brick, New Jersey 08724, for the aforementioned Drone and directs, authorizes and empowers all appropriate officials to execute an agreement and/or purchase order for this contract, subject to all the conditions applicable to Co-Op Bid # BC-Bid-22-11 and subject to approval by the Borough Attorney.

156-2025 A Resolution Establishing and Implementing a Long-Range Drainage Control Plan to Address Drainage Issues Within the Borough of Montvale

WHEREAS, the Governing Body of the Borough of Montvale declares that it is in the best interests of the community to address drainage problems in a comprehensive and orderly fashion that aligns with N.J.S.A 59:1.1, et seq.; and

WHEREAS, the New Jersey Tort Claims Act, New Jersey Statute Section 59:1-1, et seq., provides limitations on liability for public entities for conditions of public property where the public entity exercises appropriate discretion in the allocation of funds of public improvements. The limitation of liability is commonly known as “scarce resource immunity,”; and

WHEREAS, the Legislature in N.J.S.A. 59: 1-2 quoted Chief Justice Joseph Weintraub by declaring that:

“The Legislature recognizes the inherently unfair and inequitable results which occur in the strict application of traditional doctrine of sovereign immunity. On the other hand, the Legislature recognizes that while a private entrepreneur may readily be held liable for negligence within the chosen ambit of his activity, the area within which government has the power to act for the public good is almost without limit and therefore government should not have the duty to do everything that might be done.”; and

WHEREAS, N.J.S.A. 59:2-3 (c) provides:

“A public entity is not liable for the exercise of discretion in determining whether to seek or whether to provide the resources necessary for the purchase of equipment, the construction or maintenance of facilities, the hiring of personnel, and in general, the provision of adequate services”; and

WHEREAS, N.J.S.A. 59:2-3 (d) provides:

“A public entity is not liable for the exercise of discretion when, in the fact of competing demands, it determines whether or not to utilize or apply existing resources, including those allocated for equipment, facilities and personnel unless a court concludes that the determination of the public entity was palpably unreasonable”; and

WHEREAS, this resolution is narrowly limited to outlining the application of scarce resources for the purpose of addressing the overall health, safety, and welfare of the general community; and

WHEREAS, the Governing Body hereby determines that the most appropriate way to continue to address this wide-ranging community wide issue is through the establishment of a long-range plan to address drainage within the Borough as set forth herein.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that the Borough does hereby adopt the following Long-Range Drainage Control Plan to address drainage issues within the Borough of Montvale, consisting of the following elements:

1. A Watershed Assessment which develops an electronic infrastructure map that delineates the location of the stormwater features that are owned or operated by the municipality including easements and features owned by others in the community.
2. A Watershed Improvement Plan Report including:
 - a. A summary of proposed flood prevention improvement projects, both public and private.
 - b. The proposed implementation schedule.
 - c. Costs, broken down by project and year.
 - d. Funding opportunities.
3. A long-term capital plan which may include sufficient funds to implement this Watershed Improvement Plan over a reasonable period considering other demands on municipal scarce resources.

4. A current year operating budget and capital budget which may include sufficient funds to implement this Watershed Improvement Plan over a reasonable period considering other demands on municipal scarce resources.
5. Each year, if limited resources require allocation as part of the annual process, identification of the work that can be completed and the work that cannot be completed or addressed.

BE IT FURTHER RESOLVED that failure to appropriate funds or failure to spend an appropriation shall be deemed as exercise of governmental discretion in the face of competing demands.

BE IT FURTHER RESOLVED that every two years, the Borough may direct the appropriate employee, official, or professional to update the Long-Range Drainage Control Plan as appropriate.

157-2025 Certification Of The 2024 Annual Audit and Group Affidavit

WHEREAS, *N.J.S.A. 40A:5-4* requires the governing body of every local unit to have made an annual audit of its books, accounts, and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2024 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to *N.J.S.A. 40A:5-6*, and a copy has been received by each member of the governing body; and

WHEREAS, *R.S. 52:27BB-34* authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated *N.J.A.C. 5:30-6.5*, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations", and

WHEREAS, the members of the governing body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to *N.J.A.C. 5:30-6.5*; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid, and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of *R.S. 52:27BB-52*, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Borough Council of the Borough of Montvale, in the County of Bergen, State of New Jersey, hereby states that it has complied with *N.J.A.C. 5:30-6.5* and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

158-2025 Approving The Corrective Action Plan For The 2024 Municipal Audit

WHEREAS, the Borough of Montvale has received a report of audit for the year ending December 31, 2024; and

WHEREAS, Local Finance Notice No. 92-15 dated July 8, 1992, requires that the Chief Financial Officer submit a Corrective Action Plan for all findings in the audit within 60 days of receipt of the Report of Audit; and

WHEREAS, the Chief Financial Officer has prepared a Corrective Action Plan relating to the findings of the 2024 Audit.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Montvale, in the County of Bergen, New Jersey, do hereby approve the Corrective Action Plan for the year 2024 as submitted by the Chief Financial Officer.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to upload a copy of this resolution and the Corrective Action Plan to the Director of the Division of Local Government Services in the FAST System.

**BOROUGH OF MONTVALE, BERGEN COUNTY
Audit 12/31/2024**

Finding #1:

It is recommended that Construction Code fees be charged in accordance with the Borough fee ordinance and all permits be made available at the time of audit.

Description:

During the audit, it was noted that certain construction code permits were either not charged in accordance with the adopted fee ordinance or were not readily available for inspection.

Corrective Action:

All Construction Code permits will be reviewed for compliance with the current fee ordinance prior to issuance. A procedure will be implemented to retain and organize copies of all issued permits and associated records in a centralized location to ensure availability for audit review.

Responsible Party:

Construction Code Official and Borough Administrator

Implementation Date:

Immediately upon approval of this Corrective Action Plan

159-2025 Resolution Confirming Qualified Purchasing Agent And Raising The Bid Threshold and Quotation Threshold

WHEREAS, recent changes to the Local Public Contracts law gave local Contracting units the ability to increase their bid threshold up to \$53,000 and the quotation threshold to \$7,950; and

WHEREAS, N.J.S.A. 40A:11-3a permits an increase in the bid threshold if the Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.S.A. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent for the Borough of Montvale; and

WHEREAS, Christine Kalafut, Borough Treasurer, was appointed the Qualified Purchasing Agent on January 31, 2015 and has maintained the necessary certification through the State of New Jersey as the Qualified Purchasing Agent for the Borough of Montvale; and

WHEREAS, the appointment of an individual as a Qualified Purchasing Agent allows the Borough to raise the bid threshold to \$53,000 and quotation threshold to \$7,950; and

WHEREAS, Sections 11 and 12 of the Elections Transparency Act amend N.J.S.A. 19:44A-20.4 and 20.5, respectively, to clarify that the governing body of a municipality or county (or any agency or instrumentality thereof) may delegate the authority to award a contract having an anticipated value in excess of \$17,500 but below the increased bid threshold of a Local Public Contracts Law contracting unit with a qualified purchasing agent (i.e., a “window contract”) to the QPA; and

WHEREAS, the Borough of Montvale desires to take advantage of the increased public bid threshold and authorize the QPA to award so-called “window contracts.”

NOW, THEREFORE, BE IT RESOLVED, that the Borough does hereby raise the bid threshold to \$53,000 and quotation threshold to \$7,950; and

BE IT FURTHER RESOLVED that the Borough’s appointed Qualified Purchasing Agent is hereby authorized and empowered to award “window contracts” between \$17,500.00 and \$53,000.00, consistent with applicable law; and

BE IT FURTHER RESOLVED, the Municipal Clerk is authorized and directed to forward a certified copy of this resolution to the Division of Local Government Services.

160-2025 Authorize Hiring Special Law Enforcement Officer Class III for Pascack Hills High School – Aurelio D. Dinelli

WHEREAS, the Borough of Montvale and Pascack Hills High School have a vacancy in the position of Special Law Enforcement Officer Class III; and

WHEREAS, after a public hiring process, it was determined that Aurelio D. Dinelli meets the qualifications for the position of SLEO III agrees to the terms and conditions of employment, and has completed a satisfactory background investigation; and

WHEREAS, pursuant to an agreement between the Borough and the Board of Education, all costs incurred by the Borough related to Aurelio D. Dinelli’s employment shall be reimbursed by the Board of Education.

NOW THEREFORE, BE IT RESOLEVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, that Aurelio D. Dinelli is hereby appointed to the position of Special Law Enforcement Officer Class III, effective July 22, 2025.

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

153-2025 A Resolution Requesting that Veolia Water New Jersey, Inc. Erect a Fire Hydrant at 21 Phillips Parkway

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

1. Veolia Water New Jersey, Inc. is hereby requested to erect 1 fire hydrant at the following designated place, to be used for fire purposes only, in accordance with the Rules and Regulations of the Company, and its rates as set forth in its Schedule of Rates filed with the New Jersey Board of Public Utilities in Newark, New Jersey:

LOCATION OF HYDRANT

ALONG LONG PHILLIPS PARKWAY, IN FRONT OF 21 PHILLIPS PARKWAY,
BETWEEN ITS INTERSECTIONS WITH WEST GRAND AVENUE AND SONY
DRIVE. (SEE ATTACHED SKETCH FOR REFERENCE)

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

Councilmember Cudequest asked if this fire hydrant is for after the water tower is installed or before; it is part of the requirement for the Self Storage facility that is being built.

161-2025 A Resolution Awarding a Professional Services Contract to Connolly & Hickey Historical Architects for Preparation of a New Jersey and National Registers of Historic Places Nomination and a Historic Preservation Plan for the J.J. Blauvelt (Octagon) House, 13 W. Grand Avenue

WHEREAS, in November of 2021, the Borough of Montvale purchased the J.J. Blauvelt (Octagon) House located at 13 West Grand Avenue, identified as Block 1601, Lot 22 on the Borough Tax Maps; and

WHEREAS, the building has great historic significance to the Borough and is one of only a small number of surviving “Octagon” style houses popularized by Orson S. Fowler; and

WHEREAS, the property was designated historic as the local level by the Historic Preservation Commission in 1997, and the building can be seen on the Borough’s logo; and

WHEREAS, the Borough did apply for matching grant funding from the Bergen County Historic Preservation Trust Fund Grant Program 2024 Funding Round and was awarded a 50% matching grant for certain professional services associated with the preservation, maintenance and re-use of the property; and

WHEREAS, the Borough did solicit proposals from three (3) professional historic architectural firms; and

WHEREAS, these proposals were reviewed by the Borough’s Historic Preservation Commission, and it was recommended that a contract be awarded to Connolly & Hickey Historical Architects, One South Union Avenue, P.O. Box 1726, Cranford, New Jersey 07016, pursuant to the proposals dated February 23, 2024, and March 5, 2024, copies of which are attached hereto and made a part hereof; and

WHEREAS, the Borough is desirous of awarding a contract at this time for the preparation of a New Jersey and National Registers of Historic Places Nomination and a Historic Preservation Plan for the Octagon House, to be funded through the Borough’s Open Space, Recreation and Farmland and Historic Preservation Trust Fund, with a 50% matching grant from the County; and

WHEREAS, the Borough has determined that the value of these services will exceed \$17,500; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i) permits the award of this professional services contract without the need for full public bidding procedures; and

WHEREAS, N.J.S.A. 40A:11-5(1)(a)(i) further requires that the contracting unit publish a notice that that the resolution of award and the contract itself are available for public inspection; 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 Mayor and Council of the Borough of Montvale as follows:

1. The foregoing recitals are incorporated as if set forth herein at length.
2. A professional services contract is hereby awarded as follows:

Contractor

Connolly & Hickey Historical Architects
One South Union Avenue
P.O. Box 1726
Cranford, New Jersey 07016

<u>Task</u>	<u>Price</u>
New Jersey and National Registers of Historic Places Nomination	\$19,800
Historic Preservation Plan	\$34,200

3. This contract is awarded without competitive bids as a “professional services” Contract in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law because the subject matter of the contract is for professional services by a firm or professional authorized to practice within the State of New Jersey.
4. This Contract is being awarded pursuant to the alternative process of the New Jersey Local Unit Pay to Play Law, N.J.S.A. 19:44A-20.5, and in compliance therewith, and the Business Entity Disclosure Certification will be placed on file with this Resolution.
5. The Mayor, Borough Clerk, and all other appropriate officials, officers and employees are directed, authorized and empowered to execute a contract with Connolly & Hickey, consistent with the terms of this resolution and subject to approval as to form by the Borough Attorney.
6. A notice of the award of the above contract shall be published in the Borough of Montvale’s official newspaper The Record as required by law within ten (10) days of the adoption of this Resolution.

Introduced by: Councilmember Koelling; seconded by Councilmember Roche - a roll call was taken – all ayes Councilmember Cudequest asked for clarification, the BA, explained that this firm will get it on the National Register as Historic and also determine what the building can be used for.

162-2025 REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87 – 2024 BERGEN COUNTY HISTORIC PRESERVATION GRANT

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; and

WHEREAS, the Borough of Montvale has been awarded a 2024 Bergen County Historic Preservation Grant in the amount of \$45,000, which requires a cash match of \$45,000 to be provided by the Borough; and

WHEREAS, the Borough Council wishes to authorize the use of \$45,000 from the Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund to satisfy the matching requirement.

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 \$90,000.00, 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:

Historic Preservation Grant – Bergen County (\$45,000) and Municipal Match (\$45,000) (FCOA 10-870).

BE IT FURTHER RESOLVED that the like sum of \$90,000.00 is hereby appropriated under the caption:

General Appropriations:
(A) Operations – Excluded from “CAPS”
Public and Private Revenues Offset by Revenues
Historic Preservation Grant – Bergen County and Municipal Match
(FCOA 41-870).

BE IT FURTHER RESOLVED that \$45,000 of the required cash match is hereby authorized from the Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund.

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 Koelling; seconded by Councilmember Roche – all ayes

163-2025 A Resolution Awarding A Four Month Contract To Westphal Waste Service, Inc. For Solid Waste And Recyclable Materials Collection And Disposal In The Borough Of Montvale

WHEREAS, the Borough of Montvale is required to provide for the collection and disposal of household and municipal solid waste and recyclable material generated within the Borough of Montvale; 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 a Solid Waste and Recyclable Materials Collection and Disposal Contract for a four-month period commencing September 1, 2025 and terminating December 31, 2025; and

WHEREAS, two (2) bids were received on June 17, 2025, from Westphal Waste Services, Inc. (“Westphal”) in the total sum of \$340,000.00 and Affordable Cartage, LLC (“Affordable”) in the total sum of \$256,000.00; and

WHEREAS, after receipt and review of the two (2) bids received, the Borough of Montvale has determined that Westphal Waste Services, Inc. is the lowest responsible bidder for this contract in the overall amount of \$340,000.00; and

WHEREAS, the Borough of Montvale determined that the bid by Affordable did not comply with the Bid specifications which required each bidder to submit “the most recent annual Report, as required to be filed with the Department of Environmental Protection....” and Affordable submitted its 2023 Annual Report whereas Westphal submitted its 2024 Annual Report; and

WHEREAS, the Chief Financial Officer of the Borough has certified that funds are available in the 2025 Budget for this purpose, a copy of said Certification is attached to the original of this Resolution.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that a contract is hereby awarded to Westphal Waste Services, Inc. in accordance with the prices set forth in Westphal’s bid as follows:

Contractor:
Westphal Waste Services, Inc.
14 Jay Street
Norwood, New Jersey 07648

Westphal Waste Services, Inc.	Curbside Collection & Solid Waste Disposal	Vegetative Waste and Leaves disposal	
Year 1	\$340,000.00	0	
9/1/25 – 12/31/25			
Total	\$340,000.00	0	\$340,000.00

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized 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 the form by the Borough Attorney.

BE IT FURTHER RESOLVED that said contract shall be for a term of four (4) month contract, subject to the availability of funds, and consistent with the Local Public Contracts Law, N.J.S.A. 40A:11-15.

*Introduced by: Councilmember Koelling; seconded by Councilmember Roche - all ayes
Councilmember Cudequest asked if this will include the twice a week pickup in the summer*

164-2025 A Resolution Awarding A Five Year Contract To Westphal Waste Service, Inc. For Solid Waste And Recyclable Materials Collection And Disposal In The Borough Of Montvale

WHEREAS, the Borough of Montvale is required to provide for the collection and disposal of household and municipal solid waste and recyclable material generated within the Borough of Montvale; 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 a Solid Waste and Recyclable Materials Collection and Disposal Contract; and

WHEREAS, two (2) bids were received on June 17, 2025, from Westphal Waste Services, Inc. ("Westphal") and Affordable Cartage, LLC ("Affordable"); and

WHEREAS, after receipt and review of the two (2) bids received, the Borough of Montvale has determined that Westphal Waste Services, Inc. is the lowest responsible bidder for this contract in the overall amount of \$5,450,000.00; and

WHEREAS, the Borough of Montvale has determined that the bid by Affordable Cartage, Inc. was not the lowest bid received because that bid included annual a charge of \$77.50 for 2026 per cubic yard for collection and disposal of yard waste increasing to \$80.75 per cubic yard in 2030, resulting in an additional charge of \$910,503.00 over the five year term of the contract resulting in an overall bid by Affordable of \$5,508,995.00; and

WHEREAS, the Borough of Montvale further determined that the bid by Affordable did not comply with the Bid specifications which required each bidder to submit "the most recent annual Report, as required to be filed with the Department of Environmental Protection...." and Affordable submitted its 2023 Annual Report whereas Westphal submitted its 2024 Annual Report; and

WHEREAS, in accordance with N.J.A.C. 5:30-5.5(b), the Chief Financial Officer of the Borough cannot certify to the availability of funds in the 2026 or subsequent budgets at this time, but has reviewed the proposed contract and determined that it does not obligate the Borough beyond the availability of appropriations in future budgets, and it is the intention of the Mayor and Council to provide for the necessary funds in the 2026, 2027, 2028, 2029, and 2030 budgets, subject to annual appropriation; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that a contract is hereby awarded to Westphal Waste Services, Inc. in accordance with the prices set forth in Westphal's bid as follows:

Contractor:
Westphal Waste Services, Inc.
14 Jay Street
Norwood, New Jersey 07648

Westphal Waste Services, Inc.	Curbside Collection & Solid Waste Disposal	Vegetative Waste and Leaves disposal	Additional cost for second weekly sold waste collection (June, July and August)
Year 1	\$922,000.00	0	\$90,000.00
Year 2	\$957,000.00	0	\$90,000.00

BOROUGH OF MONTVALE**JULY 22, 2025**

Year 3	\$999,000.00	0	\$90,000.00
Year 4	\$1,043,000.00	0	\$90,000.00
Year 5	\$1,079,000.00	0	\$90,000.00
Calculated	\$5,000,000.00	0	\$450,000.00
Total			\$5,450,000.00

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized 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 the form by the Borough Attorney.

BE IT FURTHER RESOLVED that said contract shall be for a term of five (5) years, subject to the availability of funds, and consistent with the Local Public Contracts Law, N.J.S.A. 40A:11-15.

Introduced by: Councilmember Koelling; seconded by Councilmember Roche - all ayes

165-2025 Award Professional Service Contract to Colliers Engineering & Design - for Construction Observation & Administration Services for NJDOT FY2025 – Paragon Drive Resurfacing Project

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer for Construction Observation & Administration Services for NJDOT FY2025 – Paragon Drive Resurfacing Project; 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, Suite 304, Mt. Arlington, NJ 07856 has submitted a proposal dated June 5, 2025 to provide engineering services which are detailed and 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 following be provided: Construction Observation & Administration Services
- 2) The cost not to exceed shall be \$39,500.00. 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 DePiero Drive, Montvale, NJ 07645.

Introduced by: Councilmember Koelling; seconded by Councilmember Cudequest – all ayes

BILLS: Administrator read the Bill Report

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

REPORT OF REVENUE: Administrator read the Report of Revenue – June

COMMITTEE REPORTS:

Council President Lane

Fire Dept

39 fire calls; 2 drills; 0 chiefs call; 3 work details; 1 meeting

New Fire Engine will be arriving in a few weeks

Councilmember Roche

No Report

Councilmember Cudequest

Seniors

Had their end of the year luncheon at Seasons; the center was closed due to summer camp which ended July 18th;

Library

Summer reading program is underway; program attendance has been better than in previous years;

Councilmember Koelling

Police

Monthly report included in original minutes; number of accidents in town regarding e-bikes

Planning Board

The last meeting was cancelled; re-doing the parking by CVS – Grand Ave

Mayor Ghassali

Thanked the County Commissioners and County Executive for the paving of Grand Ave; Montvale will be taking over DePiero Farm on August 28th; planning to have a town-wide celebration with music, food and farming; submitted our affordable housing plan on time as required, we have to wait 60 days to see if anyone will object

ENGINEER'S REPORT: Nick Chelius

Paving for Woodland Road and Paragon Drive will begin shortly; submitted plans to the county for the intersection of Magnolia and Kinderkamack, we are waiting for comments from the county;

ATTORNEY'S REPORT: Dave Lafferty

Working on a draft lease and public bid package for DePiero Farm

ADMINISTRATOR'S REPORT: Joe Voytus

Mentioned about setting a date for the farm event

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 Koelling; seconded by Councilmember Cudequest
- all ayes*

Jim Zuretti, 48A E Grand Ave

Spoke about living next to 48 E Grand Ave, the house is in dis-repair and abandoned; filed a petition in regards to town Ordinance with the Construction official; Mr. Zuretti has not heard back from the construction official; called numerous times about property maintenance violations; concern about his property value of his home and surrounding homes; A few more residents spoke with the same comments and would like to see the property cleaned up

Matt, 19 Hering Road

Wanted more information on the Farm Committee and wanted to get involved

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

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

Meeting was adjourned at 8:15pm

Regular Public Meeting of the Mayor & Council to be held at 7:30pm on August 26, 2025

Respectfully submitted, Frances Scordo, Municipal Clerk