

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 5:00 PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Mayor Fyfe 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 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).

Also Present: Borough Attorney, Phil Boggia, Esq.; Borough Engineer, Andy Hipolit; Administrator/Municipal Clerk, Maureen Iarossi-Alwan; and Deputy Municipal Clerk, Fran Scordo

ROLL CALL:

Councilmember Cudequest	Councilmember LaMonica - absent
Councilmember Curry - late	Councilmember Lane - late
Councilmember Ghassali	Councilmember Talarico

5:00 P.M. PRESENTATION SHOP MONTVALE

Carmine De Falco spoke about how the program works; Documents included with original minutes

ORDINANCES:

INTRODUCTION ORDINANCE NO. 2013-1373: CALENDAR YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)
(Public Hearing April 9, 2013)

A motion to Introduce Ordinance **2013-1373** for first reading was made by Councilmember Ghassali ; seconded by Councilmember Cudequest; Clerk read by title only; Councilmember Talarico made a motion that this ordinance be passed on first reading and advertised in The Ridgewood News; seconded by Councilmember Cudequest - A roll call was taken – all ayes

INTRODUCTION ORDINANCE NO. 2013-1372 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 38 OF THE CODE OF THE BOROUGH OF MONTVALE IN ORDER TO REVISE THE FEES CHARGEABLE FOR PUBLIC DOCUMENT
(Public hearing March 26, 2013)

A motion to Introduce Ordinance **2013-1372** for first reading was made by Councilmember Ghassali; seconded by Councilmember Cudequest; Clerk read by title only; Councilmember Talarico made a motion that this ordinance be passed on first reading and advertised in The Ridgewood News; seconded by Councilmember Ghassali - A roll call was taken – all ayes

INTRODUCTION 2013 MUNICIPAL BUDGET: Resolution No. 63-A-2013

BE IT RESOLVED, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Borough of Montvale, Bergen County, New Jersey for the year 2013.

BOROUGH OF MONTVALE

MARCH 12, 2013

BE IT FURTHER RESOLVED, that the said budget be published in The Bergen Record in the issue of March 26th, 2012, and that a hearing on the Budget will be held at the Borough Hall Council Chambers on April 9th, 2013 at 7:30 o'clock (P.M.) or as soon thereafter as the matter may be reached.
(Public Hearing April 9, 2013)

Introduced by: Councilmember Cudequest; seconded by Councilmember Ghassali - A roll call was taken - All ayes

MEETING OPEN TO PUBLIC:

Agenda Items Only

Motion to open meeting to the public by Councilmember Cudequest; seconded by Councilmember Curry - All ayes

NO PUBLIC COMMENT

Motion to close meeting to the public by Councilmember Cudequest; seconded by Councilmember Talarico - All ayes

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

February 26, 2013

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

RESOLUTIONS:

64-2013 Authorize Release of Escrow/PVRHS/46 Akers Ave

WHEREAS, the Borough Treasurer, recommends the release and takes no exception to the release of the remaining escrow funds posted for the electronic sign at the Pascack Valley Regional High School, 46 Akers Avenue as the project has been deemed complete; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale the escrow in the amount of \$354.00 is hereby released to Pascack Valley Regional High School District, 46 Akers Avenue, Montvale, NJ 07645; and

BE IT FURTHER RESOLVED, the Borough Treasurer hereby receives a copy of this resolution for processing.

Introduced by: Councilmember Cudequest; seconded by Councilmember Ghassali - All ayes
Councilmember Curry mentioned that there are dead trees by the sign and who is responsible to replace them;

65-2013 Authorize Release of Escrow/Maximum Energy/Block 3010/Lot 1, 2, & 3

WHEREAS, The Maximum Energy, LLC /36 Partridge Run, Montvale requested a release in their Escrow; and

WHEREAS, a completed inspection of the site has been conducted by Andrew Hipolit, Borough Engineer, which recommends said release of the above referenced in an e-mail dated February 20, 2013 which is attached to the original of this resolution; and

WHEREAS, the Borough Engineer, recommends the release and takes no exceptions to the release the escrow funds in the amount of \$329.00; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the remaining escrow be hereby released to Maximum Energy, LLC, Montvale, NJ 07645; and

NOW THEREFORE BE IT FUTHER RESOLVED, The Borough Treasurer receives a copy of this resolution for processing.

Introduced by: Councilmember Cudequest; seconded by Councilmember Talarico - All ayes

66-2013 Award Professional Service Contract/Land Surveying/Chestnut Ridge Rd./Maser

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to prepare a professional survey for the Chestnut Ridge Road Widening Improvement; 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, Maser Consulting, Inc. 200 Valley Road, Suite 306, Mt. Arlington, NJ 07856 has submitted a proposal and cost estimate dated February 22, 2013 which is attached to this resolution; and

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

- 1) That the contract for this work as outlined in the February 22, 2013 proposal, attached, shall be awarded to Maser Consulting P.A..
- 2) The not to exceed amount shall be \$49,500.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for all other work, which may be approved by separate contract by the Mayor and Council, as outlined pursuant to their professional services contract for general engineering services for the Year 2013.

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

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

Introduced by: Councilmember Cudequest; seconded by Councilmember Talarico - All ayes

67-2013 Award Contract/Appraisal Services/Block 2402/Lot 1/Appraisal Report/McNerney & Assoc.

WHEREAS, there exists a need for the services of an Appraiser to prepare appraisal reports for tax appeal for the following property:

Block 2403/Lot 1/Montvale Associates, -14 S. Kinderkamack Road

WHEREAS, the Borough Administrator has determined that the value of total services will not exceed \$3,500 and under such circumstances complies with the provisions of N.J.S.A. 19:44A-20.5 et seq.; 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 Borough of Montvale as follows:

- 1. The Mayor and Borough Clerk of the Borough of Montvale are hereby authorized and directed to execute the Contract with MCNERNEY & ASSOCIATES, INC.
- 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 Contract amount does not exceed the statutory bid threshold.
- 4. A Notice of this action shall be printed once in the local newspaper.

Introduced by: Councilmember Cudequest; seconded by Councilmember Talarico - All ayes

68-2013 Appointment FT/Deputy Court Administrator/Pascack Joint Municipal Court/M. Rotolo

WHEREAS, the Pascack Joint Municipal Court is in need of a Deputy Court Administrator; and
WHEREAS, Maria Rotolo meets the qualifications and has been approved by the Assignment Judge to perform the duties of this position; 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 Deputy Court Administrator for the Pascack Joint Municipal Court effective March 1, 2013.

Introduced by: Councilmember Talarico; seconded by Councilmember Cudequest - All ayes

69-2013 Confirmation/United Water Prior Installation of Hydrants/Chestnut Ridge Road

WHEREAS, the Montvale Fire Chief confirmed these (2) hydrants exist as per the plans dated 11/6/02 for the installation of hydrants on Chestnut Ridge Road , Inves. No. 50328; and

THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, that United Water New Jersey, Inc., installed the following hydrants at these locations:

HYDRANTS

X-35095H (#59-344) at the intersection of Chestnut Ridge Road and Heartstone Way and
X-35096H (#59-345) at the intersection of C

Introduced by: Councilmember Ghassali; seconded by Councilmember Talarico - All ayes

70-2013 Refund of Tax Overpayment / Duplicate Payment / Block 1201; Lot 8

WHEREAS, a resolution authorizing this municipality to refund overpayment of taxes for the following properties located in the Borough of Montvale, and

WHEREAS, due to duplicate payments which resulted in overpayments, and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to refund overpayment of taxes to the following:

Matthew & Kelli Anderson	15 Hilton Place	\$3,671.00
--------------------------	-----------------	------------

Introduced by: Councilmember Cudequest; seconded by Councilmember Talarico - All ayes

71-2013 Authorize Jr. Member/Montvale Fire Department/A. Cortazzo

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

WHEREAS, Anthony Cortazzo, Montvale, NJ 07645 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 Anthony Cortazzo, as a Junior Reserve Member of the Montvale Fire Department, is hereby approved.

Introduced by: Councilmember Talarico; seconded by Councilmember Cudequest - All ayes

72-2013 Emergency Temporary Appropriations

WHEREAS, an emergent condition has arisen with respect to certain budget appropriations and no adequate provision has been made in the 2013 temporary budget, and N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations for said purpose; and

BOROUGH OF MONTVALE

MARCH 12, 2013

WHEREAS, the total emergency temporary resolutions adopted in the year 2013 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951) including this resolution total:

Current Fund \$72,000.00

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made in the total amount of:

Current Fund \$5,000.00

2. That said emergency temporary appropriation (will be) provided in the 2013 budget;

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

CURRENT FUND

General Appropriations

Operations – Within “CAPS”

Tax Assessment Administration:

Other Expenses

\$5,000.00

=====

Introduced by: Councilmember Cudequest; seconded by Councilmember Curry - All ayes

73-2013 Transfer Of 2012 Appropriation Reserves

WHEREAS, certain transfer of funds for 2012 budget appropriation reserves are necessary to cover anticipated expenditures; and

WHEREAS, N.J.S.A. 40A:4-59 provides for transfers from appropriation reserves with an excess over and above the amount deemed to be necessary to fulfill the purpose for such appropriation reserves, to those appropriation reserves deemed to be insufficient;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the transfer be made between the 2012 budget appropriation reserves as follows:

	<u>FROM</u>	<u>TO</u>
<u>CURRENT FUND</u>		
GENERAL APPROPRIATIONS		
Operations - within "CAPS"		
Police:		
Salaries and Wages	\$2,500.00	
Fire:		
Other Expenses	_____	<u>\$2,500.00</u>
	\$2,500.00	\$2,500.00
	=====	=====

Introduced by: Councilmember Cudequest; seconded by Councilmember Talarico - All ayes

74-2013 Credit Tax Overpayment/ Block 3301/ Lot 3/ Qual. C0604

WHEREAS, a resolution authorizing this municipality to credit an overpayment of taxes for the following property located in the Borough of Montvale, and

COMMITTEE REPORTS:

Councilmember Curry

Local BOE

March is Music in our School; Montvale PBA will be donating the proceeds from their comedy night to go towards safety in the schools;

Recreation

All programs are up and running; Day in the Park scheduled for June 22nd

Board of Health

The board recently attend an OEM meeting and has a concern with reaching out to the special needs population in the event of an emergency; they are looking at ways to get info to them;

Construction

\$23,000 collected in permit fees – more than this time last year

Councilmember Ghassali

Administration

Sewer bills were mailed, due April 1st and October 1st

DPW

Bus Shelter has been hit by a car ; diesel fuel has red dye in it and its causing trucks to breakdown sooner;

Councilmember Lane

Fire Dept.

8 Fires; 1 drill and 2 extra credits; Fire Department is busy preparing for their 100th NY & NJ celebration; corporate sponsor is Mercedes Benz; raffling off a Mercedes Benz;

Finance

Still in the middle of budget process;

Councilmember Talarico

Police

Monthly report included in original minutes

Tri-Boro

34 calls; 547 miles; 32 hours; 98.5 crew hours all by Montvale

Councilmember Cudequest

Environmental Commission

Next Meeting will be March 18th

Regional High School Board

District was a recipient of the Apple Distinguished Schools Award

Mayor Fyfe

Library

13,146 Circulation; 5,124 Patron visits; and 27 new cards issued; 1040 forms and instruction booklets are available at the library

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

- a. Fieldstone School Athletic Field/Recommendation of Award/Cooperative Purchasing

Installation of Synthetic Turf/Field Turf

Need to advertise the installation; Award contract at next meeting;

ATTORNEY REPORT:

Phillip Boggia, Esq.
Report/Update

a. Bids on Street Sweeping

One of the bidders read the bid incorrectly; it is recommended to re-bid
A motion by Councilmember Lane; seconded by Councilmember Cudequest to re-bid

UNFINISHED BUSINESS:

a. Recreation Program

Councilmember Curry mentioned that there are two additional classes

b. Clean up After Sandy

Councilmember Curry needed clarification about some residents that still have large tree limbs at the curb;

c. School #2

BOE is asking for the COAH funds

d. Use of Community Center

Resident in town ask for use of community center for toddler pre-school;

NEW BUSINESS:

a. Discuss Possible/Walking Path/Healthy Lifestyle/Montvale Senior Center Location

Councilmember Curry stated that it was brought up at the Board of Health meeting to install a walking path; Mayor suggested that Councilmember LaMonica will bring it up at a senior meeting to see if there is interest;

b. Rolling Thunder Motorcycle Club/Installation of Signs

Request from a member of the club, if they can post signs around town to watch out for motorcycles; Mayor Fyfe will ask for more details about the signs and where they will be posted;

c. Local Bo Ed Request Waive Permit Fees

A motion by Councilmember Cudequest; seconded by Councilmember Ghassali to waive fee – all ayes

d. Chief Miller requested / Sign

Asked for permission if he can temporarily put a sign by Memorial Drive about the parade

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 Ghassali; seconded by Councilmember Cudequest - All ayes

NO PUBLIC COMMENT

Motion to close meeting to the public by Councilmember Cudequest ; seconded by Councilmember Lane - All ayes

MEETING CLOSED TO THE PUBLIC:

CLOSED/EXECUTIVE SESSION:

Motion to move into Executive Session as provided for by Resolution No. 15-2013 adopted on January 2, 2013 and posted on the bulletin board in the Municipal Building:

The Mayor and Council will go into a Closed /Executive Session for the following: Litigation/Contract Negotiations

1. Litigation/Czesniewski
2. Legal Consultation Attorney Client Privilege/DPW Contract Negotiations

Minutes to be disclosed as per the Open Public Meetings Act upon approval of minutes.

A motion to go back into open session by Councilmember Lane; seconded by Councilmember Cudequest - all ayes

Resolution 77-2013

A Resolution approving settlement and authorizing the execution of a settlement agreement and general release with Sgt. Bruce Czesniewski concerning the pending litigation in Superior Court

WHEREAS, Sgt. Bruce Czesniewski (“Czesniewski”) is currently employed by the Borough of Montvale as a Sergeant in the Montvale Police Department; and

WHEREAS, Czesniewski previously filed a Complaint against the Borough in the Superior Court of New Jersey, Bergen County Vicinage, captioned *Czesniewski v. Borough of Montvale*, Docket No. BER-L-11095-10 (the “Litigation”) which contained various allegations concerning the Borough of Montvale; and

WHEREAS, the Borough of Montvale filed an Answer in response to the Complaint which denied Czesniewski’s allegations against the Borough; and

WHEREAS, after engaging in discovery, the matter was scheduled for a Settlement Conference with Hon. Lisa Perez-Friscia, J.S.C.; and

WHEREAS, as a result of this Settlement Conference, counsel for Czesniewski and the Borough outlined the terms of a settlement to conclude the Litigation that was recommended by Judge Perez-Friscia and the Joint Insurance Fund, subject to approval by the Borough Council; and

WHEREAS, after having been advised of the terms of the proposed settlement, the Mayor and Council have determined that it is in the best interests of the Borough of Montvale to resolve the disputed claims by settlement in accordance with the agreed-upon terms, to be set forth in a Settlement Agreement in such form as is approved by counsel for the Borough.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council do hereby authorize the settlement of the above-captioned Litigation upon the terms recommended by the Borough’s counsel and the Joint Insurance Fund; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and empowered to execute such settlement documents as are necessary to effectuate the settlement, subject to approval by the Borough’s counsel as to their form; and

BE IT FURTHER RESOLVED that upon final execution of the settlement documents, same shall be made available for public inspection upon request.

Introduced by: Councilmember Lane; seconded by Councilmember Talarico - All ayes

78-2013

A resolution for hiring the services of Linda Murphy to do a feasibility study on shared services
Original resolution included with the minutes

Introduced by: Councilmember Lane; seconded by Councilmember Curry - All ayes

ADJOURNMENT

Motion to adjourn Public Meeting by Councilmember Cudequest; seconded by Councilmember
Talarico - all ayes

Meeting was adjourned at 8:15pm

ADJOURNMENT The next Meeting of the Mayor and Council will be held March 26, 2013 at 7:30
p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk