

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:39 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, Joe Voytus, 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 | Councilmember Lane |
| Councilmember Ghassali | Councilmember Talarico |

APPOINTMENT MONTVALE PROBATIONARY POLICE OFFICERS:

Eric A. Robalino
Matthew J. Valdick

Mayor Fyfe read a statement /Attached to original minutes

ORDINANCES:

INTRODUCTION ORDINANCE NO. 2013-1378 AN ORDINANCE OF THE BOROUGH OF MONTVALE REPEALING CHAPTER 30 OF THE BOROUGH CODE IN ITS ENTIRETY AND DISSOLVING THE MONTVALE DEPARTMENT OF PUBLIC WORKS IN ORDER TO TRANSFER THE DEPARTMENT'S DUTIES BY WAY OF A SHARED SERVICES AGREEMENT TO A NEW PASCACK VALLEY DEPARTMENT OF PUBLIC WORKS, WITH THE TOWNSHIP OF RIVER VALE AS LEAD AGENCY

A motion to Introduce Ordinance **2013-1378** for first reading was made by Councilmember Lane; seconded by Councilmember Cudequest; 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 Cudequest - A roll call was taken – all ayes

MEETING OPEN TO PUBLIC:

Agenda Items Only

A motion to open the meeting on agenda items only by Councilmember Lane; seconded by Councilmember Ghassali - all ayes

Approximately 10-15 members of the public, including the Superintendent of Public Works spoke regarding the shared service of the DPW --- All opposing it

A motion to close the meeting on agenda items only by Councilmember Lane; seconded by Councilmember Talarico - all ayes

MEETING CLOSED TO PUBLIC

Agenda Items Only

MINUTES:

June 25, 2013

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

RESOLUTIONS:

112-2013 Tax Court Settlement / Block 302 Lot 16.14 / Wayne & Carol Hoffman

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Wayne and Carol Hoffman (hereinafter the "Tax Appeal"), under Docket Number 018283-2011, and;

WHEREAS, the aforesaid tax appeal concerns a residential property located at 7 Olde Woods Lane, and is otherwise referred to as Block 302 Lot 16.14 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 and the Borough Tax Assessor, and;

WHEREAS, the proposed Tax Appeal settlement would reduce the subject properties' assessment to \$870,000 in the 2011 tax year, and;

WHEREAS, the provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") shall be applicable to the terms of this settlement for the 2012 tax year only, and;

WHEREAS, it is in the best interest of the Borough of Montvale 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, pursuant the terms set forth herein, and;

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Borough Administrator, Borough 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.

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

113-2013 Tax Court Settlement / Block 201 Lot 4 / Michael & Doris Bartel

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Michael & Doris Bartel (hereinafter the "Tax Appeal"), under Docket Number 018221-2011, and;

WHEREAS, the aforesaid tax appeal concerns a residential property located at 4 Fox Hill Road, and is otherwise referred to as Block 201 Lot 4 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 and the Borough Tax Assessor, and;

WHEREAS, the proposed Tax Appeal settlement would reduce the subject properties' assessment to \$770,000 in the 2011 tax year, and;

WHEREAS, the provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") shall be applicable to the terms of this settlement for the 2012 tax year only, and;

WHEREAS, it is in the best interest of the Borough of Montvale 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, pursuant the terms set forth herein, and;

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Borough Administrator, Borough 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.

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

114-2013 Tax Court Settlement / Block 901 Lot 4 / Eric & Michelle Meisner

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Eric and Michelle Meisner (hereinafter the "Tax Appeal"), under Docket Number 018215-2011, and;

WHEREAS, the aforesaid tax appeal concerns a residential property located at 75 Huff Terrace, and is otherwise referred to as Block 901 Lot 4 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 and the Borough Tax Assessor, and;

WHEREAS, the proposed Tax Appeal settlement would reduce the subject properties' assessment to \$850,000 in the 2011 tax year, and;

WHEREAS, the provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") shall be applicable to the terms of this settlement for the 2012 tax year only, and;

WHEREAS, it is in the best interest of the Borough of Montvale 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, pursuant the terms set forth herein, and;

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Borough Administrator, Borough 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

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

115-2013 Tax Court Settlement / Block 902 Lot 3 / Kenneth Leavens & Susan Marold

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Kenneth Leavens and Susan Marold (hereinafter the "Tax Appeal"), under Docket Number 018194-2011, and;

WHEREAS, the aforesaid tax appeal concerns a residential property located at 2 Candlelight Drive, and is otherwise referred to as Block 902 Lot 3 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 and the Borough Tax Assessor, and;

WHEREAS, the proposed Tax Appeal settlement would reduce the subject properties' assessment to \$980,000 in the 2011 tax year, and;

WHEREAS, the provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") shall be applicable to the terms of this settlement for the 2012 tax year only, and;

WHEREAS, it is in the best interest of the Borough of Montvale 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, pursuant the terms set forth herein, and;

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Borough Administrator, Borough 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.

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

116-2013 Tax Court Settlement / Block 2801 Lot 1 / 7 Mercedes Drive, 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 7 Mercedes Drive, LLC (hereinafter the "Tax Appeal"), under Docket Number 002020-2011, and;

WHEREAS, the aforesaid tax appeal concerns a commercial property located at 15 Mercedes Drive, and is otherwise referred to as Block 2801 Lot 1 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 and the Borough Tax Assessor, and;

WHEREAS, the proposed Tax Appeal settlement would reduce the subject properties' assessment to \$7,225,000 in the 2011 tax year, and;

WHEREAS, the provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") mandate that this adjustment be made, so as to conform this assessment to a 2010 assessment reduction that was previously approved by the Governing Body in Resolution #68-2011, dated February 22, 2011, and;

WHEREAS, it is in the best interest of the Borough of Montvale 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, pursuant the terms set forth herein, and;

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Borough Administrator, Borough 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.

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

117-2013 Awarding Professional Service Contract/Engineering Services/Improvements To Magnolia Avenue/Maser

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide Engineering Services For the Improvements To Magnolia Avenue NJDOT Local Aid Funding 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, Maser Consulting, Inc. 200 Valley Road, Suite 306, Mt. Arlington, NJ 07856 has submitted a proposal and cost estimate dated June 19, 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 June 19, 2013 proposal, attached, shall be awarded to Maser Consulting P.A..
- 2) The not to exceed amount shall be \$14,000.00. 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 Talarico; seconded by Councilmember Lane - All ayes

118-2013 Authorize Refund/Montvale Summer Camp/J. Buckles & Seickel

BE IT RESOLVED, the below listed individual is hereby granted a refund for non-participation in the Montvale Summer Camp Program.

- 1) Janet Buckles \$200.00
- 2) Scott Seickel \$200.00

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

119-2013 Authorize Final Contract Extension to Rapid Pump & Meter Service Co., Inc / Emergency Repairs to Sanitary Sewer Pump Station

WHEREAS, on July 31, 2012 via Resolution No. 136-2012 the Borough extended this contract For various emergency repairs to the Borough’s Sanitary Sewer Pump Stations; and

WHEREAS, on the original contract was awarded on July 12, 2011 via Resolution No. 137-2011; and

WHEREAS, when such emergencies arise, the imminent threat to the health, safety and welfare of the public typically renders full public bidding impracticable; and

WHEREAS, the total amount of such contract in the aggregate in any given year may or may not exceed the bid threshold, depending on the number and nature of such emergencies; and

WHEREAS, the Borough soliciting bids for an open-ended contract for all such emergency work that may be needed for the sanitary sewer pump stations, to allow full public bidding for these services in advance of the need for such services pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.* and *N.J.A.C. 5:30-11.10*; and

WHEREAS, said open-ended contract provides no guarantee no minimum order or contract amount to the successful bidder; and

WHEREAS, the Superintendent of the Department of Public Works does hereby request the final extension of said contact; and

WHEREAS, each occurrence order for Sanitary Sewer Pump Station repair services pursuant to this contract, the Superintendent shall complete the form attached to this resolution entitled Certification of Request For Emergency Purchase in addition the Municipal Finance Officer shall certify that funds have been appropriated and said certification will be attached to the relevant purchase order.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, the final one-year contract EXTENSION be awarded to Rapid Pump & Meter Service Co., Inc., consistent with its bid and *N.J.A.C. 5:30-11.10*, at a mutual decision of the Borough of Montvale and the contractor; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute a contract to be prepared by the Borough Attorney.

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

120-2013 Adopt Policy and Procedures/Borough Surplus/Best Practices Checklist

WHEREAS, The Governing Body of the Borough of Montvale hereby adopts a policy defining surplus, in part, to comply with a question on the Best Practices Inventory. The checklist has been issued by Governor Christie to ensure more efficient, transparent and responsible use of taxpayers' money by municipal governments.

WHEREAS, the Department of Community Affairs requires the Chief Financial Officer of every municipality to have certified the Local Government Best Practices Check List; and **NOW THEREFORE BE IT RESOLVED**, the attached Surplus policy shall be reviewed periodically and revised, if and when determined necessary, based on a multitude of factors that contribute to the Borough's financial position.

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

121-2013 Appointing / Probationary Montvale Police Officer/ Matthew J. Vladick

BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that Mathew Vladick be and is hereby appointed as a 12 month Probationary Police Officer with the Borough of Montvale Police Department; and

BE IT RESOLVED, the effective date of employment is July 9, 2013.

BE IT FURTHER RESOLVED, Officer Vladick will be placed on paid administrative leave for the duration of his time assigned for recruit training beginning July 2013 through his graduation date in December 2013.

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

122-2013 Appointing / Probationary Montvale Police Officer/ Eric A. Robalino

BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that Eric A. Robalino be and is hereby appointed as a 12 month Probationary Police Officer with the Borough of Montvale Police Department; and

BE IT RESOLVED, the effective date of employment is July 9, 2013.

BE IT FURTHER RESOLVED, Officer Robalino will be placed on paid administrative leave for the duration of his time assigned for recruit training beginning July 2013 through his graduation date in December 2013.

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

123-2013 Special Item Of Revenue And Appropriation - Chapter 159

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 thereof was not determined at the time of the adoption of the budget, and

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

WHEREAS, the Borough of Montvale has been awarded \$150,000.00 from the State of New Jersey Department of Transportation and wishes to amend its 2013 budget to include this amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Montvale hereby requests the Director of the Division of Local Government Services to approve the insertion of an item

of revenue in the budget of the year 2013 in the sum of \$150,000.00 which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of Local Government
Services:

Public and Private Revenues Off-Set with Appropriations:

New Jersey Transportation Trust Fund Authority Act:

State of New Jersey Department of Transportation –

Division of Local Aid and Economic Development:

Municipal Aid Program – Magnolia Avenue, and

BE IT FURTHER RESOLVED that a like sum of \$150,000.00 be and hereby appropriated under the caption of:

General Appropriations

(a)Capital Improvements - Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

New Jersey Transportation Trust Fund Authority Act:

State of New Jersey Department of Transportation –

Division of Local Aid and Economic Development:

Municipal Aid Program - Magnolia Avenue

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

BILLS: Municipal Clerk read the Bill Report.

Motion to pay bills by Councilmember Lane; seconded by Councilmember Talarico - All ayes
Councilmember Cudequest abstained on bill # 01335

REPORT OF REVENUE: Municipal Clerk read the Report of Revenue

COMMITTEE REPORTS:

Councilmember Ghassali

DPW

Set up and cleanup for Day in the Park

Admin

Waiting for tax rate from county – to send out tax bills

Councilmember Curry

Recreation

Day in the Park went very well; 231 participates for summer camp;

Board of Health

Next scheduled meeting will be Sept 9th

Construction

60 permits ahead of last year at this time; in the process of hiring a new electrical inspector;

Councilmember Cudequest

No Report

Councilmember Talarico

Police

Monthly report included in original minutes

Tri-Boro

35 calls; 412 miles; 53 hours; 204.5 crew hours all by Montvale

Montvale Access Group

Additional footage will be shown including Day in the Park, Fireman's Parade

Councilmember Lane

Fire Dept

17 calls; 2 drills; 2 chief calls;

Finance

Would like to review the last ten years of borough's debt and surplus

Mayor Fyfe

Library

12,397 total circulation for June; 6,044 patron visits; 34 new cards issued; Annual book sale is scheduled for October 5th and 6th.

Met with county regarding Chestnut Ridge Road widening; Commend Chief Miller on an outstanding Fireman's parade

ENGINEER'S REPORT:

Andy Hipolit

Report/Update

a. Update / County / Widening of Chestnut Ridge Road

The process is moving forward -

b. Fieldstone School Project

Pre-construction meeting is scheduled for Friday;

c. Tennis Court Project

The process is moving forward should be completed by end of September

d. Akers Ave

Under construction

Councilmember Talarico asked for an update with the installed meters at the Valley View Pump Station; Mr. Hipolit stated the meters have been installed; will have a report mid to end of August

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

No Report

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

- a. Report of Additional \$19,600 Grant Funding BC Open Space Trust Fund/Tennis Courts
Total Grant Funding \$50,735.00

Additional funding was received from Bergen County

- b. Memo Dated 6/24/J. Fette/Property Maintenance Official/Request Clarification/Confirmation
Garage Sales Signs Within The Borough

After a brief discussion, it was decided by motion by Councilmember Lane; seconded by Councilmember Talarico to limit garage sales to 4 per year, signs need to have date of sale and address, the signs must be removed 24 hours after sale

- c. Councilmember Cudequest is stepping down as liaison to the Planning Board as a result Mayor Fyfe appointed Councilmember Ghassali as liaison to the Planning Board

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 Lane; seconded by Councilmember Cudequest
- All ayes

George Zeller, East Grand Ave

Wanted to comment on an article in the newspaper about his views on COAH

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT The next Meeting of the Mayor and Council will be held July 30, 2013 at 7:30 p.m.
Motion to adjourn Public Meeting by Councilmember Cudequest; seconded by Councilmember Talarico
- all ayes

Meeting was adjourned at 8:55pm

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk