

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:30 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
Councilmember Curry	Councilmember Lane
Councilmember Ghassali	Councilmember Talarico

RESOLUTION:

139-2013 Capital Budget Amendment/Montvale Fire Department/Turnout Gear

Original resolution prepared by CFO and is included with minutes

Introduced by: Councilmember Lane; seconded by Councilmember Talarico - All ayes
Councilmember Cudequest asked for clarification

ORDINANCES:

INTRODUCTION ORDINANCE NO. 2013-1380: AN ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS EQUIPMENT FOR THE VOLUNTEER FIRE DEPARTMENT OF THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING THE AMOUNT OF \$52,000 FROM THE GENERAL CAPITAL FUND BALANCE

(Public Hearing 8/27/13)

A motion to Introduce Ordinance **2013-1380** for first reading was made by Councilmember Curry; 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 Ridgewood News; seconded by Councilmember Ghassali - A roll call was taken – all ayes

PUBLIC HEARING ORDINANCE NO. 2013-1379: AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE TO ADD A NEW CHAPTER 45A ENTITLED "GARAGE SALES

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

Section 1. The Code of the Borough of Montvale is amended and supplemented by adding a new Chapter 45A, "Garage Sales," as follows:

Chapter 45A
Garage Sales

- § 45A-1 Definitions.
- § 45A-2 Permit required.
- § 45A-3 Duration of permit; maximum number of sales per year; display.
- § 45A-4 Hours of sale.
- § 45A-5 Signs.
- § 45A-6 Enforcement; police notification.
- § 45A-7 Violations and penalties.
- § 45A-1 Definitions.

For the purpose of this chapter, certain words and terms used herein are defined as follows:

GARAGE SALES

All sales entitled or commonly known as "garage sale," "lawn sale," "attic sale," "rummage sale," "flea market sale" or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale.

GOODS

Any personal property, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.

PERSON

Any individual, partnership, volunteer association or profit or nonprofit corporation.

§ 45A-2 Permit required.

It shall be unlawful for any person to conduct a garage sale in the Borough of Montvale without first applying for a permit from the Property Maintenance Department.

§ 45A-3 Duration of permit; maximum number of sales per year; display.

- A. Permits required hereunder shall be issued to any person no more than four times within a twelve-month period, and no such permit shall be issued for more than two consecutive calendar days.
- B. Charitable and religious and civic organizations may be allowed more than four permits with the approval of the Mayor and Council.
- C. Each permit issued must be properly displayed on the premises on which the garage sale is conducted.

§ 45A-4 Hours of sale.

All garage sales shall be conducted between the hours of 9:00 a.m. and 6:00 p.m. only.

§ 45A-5 Signs.

Signs are permitted on private property or in the public right of way, excluding utility poles, provided that they do not interfere with sight lines or create a traffic or safety hazard. All signs must include the address and date of the sale. All signs shall be removed within 24 hours after the completion of the sale.

§ 45A-6 Enforcement; police notification.

This chapter shall be enforced by the Property Maintenance Department.

§ 45A-7 Violations and penalties.

Any person conducting any such sale or similar activity without first applying for and obtaining a permit or who shall violate any of the other regulations of this chapter shall, upon conviction, be fined not more than \$500 for each violation. Each day that such sale shall continue without the required permit shall be considered a separate violation.

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.

Ordinance No. **2013- 1379** was introduced for second reading by Councilmember Curry; seconded by Councilmember LaMonica; Clerk read by title only

Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Talarico
- all ayes

NO PUBLIC COMMENT

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Ghassali
- all ayes

Motion to adopt on Second and Final Reading in the Ridgewood News by Councilmember Lane;
seconded by Councilmember Ghassali; Clerk read by title only ----- A roll call vote was taken --- all ayes

MEETING OPEN TO PUBLIC:

Agenda Items Only

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

NO PUBLIC COMMENT

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

MEETING CLOSED TO PUBLIC

Agenda Items Only

PROCLAMATION

Supporting the Drive Sober or Get Pulled Over / 2013 Statewide Crackdown

MINUTES:

July 30, 2013

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

Councilmember Ghassali mentioned on page 7 a sentence was duplicated and a correction is needed; Councilmember Talarico abstained

RESOLUTIONS:

132-2013 Authorize Release of Escrow/10 Van Riper Rd./Off Hour Construction Inspections

WHEREAS, the Borough Construction Code Official and Borough Treasurer, recommends the release and takes no exception to the release of the escrow funds posted for off hour inspections for 10 Van Riper Road as the inspection will not be conducted; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale the off hour construction inspection escrow in the amount of \$4,675.00 is hereby released to FCA Construction, 2902 Corporate Place, Chanhassen, MN 55317 attn: Ross Greischar; and

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

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

133-2013 Authorize Tax Appeal Settlement/2012 & 2013/Olzerowicz/Block 1803/Lot 10

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Peter and Sharon Olzerowicz (hereinafter the "Tax Appeal"), under Docket Numbers 008979-2012 and 003853-2013, and;

WHEREAS, the aforesaid tax appeal concerns a residential property located at 37 Hickory Hill, and is otherwise referred to as Block 1803 Lot 10 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 components are set forth in the Schedule "A" attached hereto and made a part hereof, 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 finalized in accordance with the enclosed Schedule "A", 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 Talarico - All ayes

134-2013 Resolution to Contract for Appraisal Services for Preparing an Appraisal Report/Tax Appeal Without Competitive Bidding/Benjamin Moore & Company

WHEREAS, there exists a need for the services of an Appraiser to prepare an appraisal report for a tax appeal for Benjamin Moore & Company at 101 Paragon Drive Block 1001, Lot 2, 155 Chestnut Ridge Road, and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of total services will not exceed \$7,500 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
3. 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.
4. The Contract amount does not exceed the statutory bid threshold.
5. A Notice of this action shall be printed once in the local newspaper.

Introduced by: Councilmember Cudequest; seconded by Councilmember Lane - All ayes
Councilmember Lane asked for clarification regarding the wording of "without competitive bidding" ;
Councilmember Ghassali asked what is the approximate refund back to taxpayer; approx. \$411,000.

135-2013 Award Lease/Purchase/ 2 Police Vehicles/State Contract/ Ford Motor Credit Company/State Contract #82925

WHEREAS, in the year 2013 the Mayor and Council approved two tax exempt State Contract 2014 Ford Crown Victoria vehicle leases to finance the acquisition of vehicles; and

WHEREAS, the Borough of Montvale authorized the execution of a Master Lease Purchase Agreement with Ford Motor Credit Company and scheduled 3 annual payments for two 2014 Ford Interceptor Utility Police Package vehicles base price \$26,484.00 per vehicle; and

WHEREAS, the vehicles will be paid in 3 Annual installments as per the attached financing agreement; and

WHEREAS, payment shall be made to Ford Motor Credit Company, Municipal Finance, P.O. Box 1739 –MD 7500, Dearborn, MI 48121-1739

NOW, THEREFORE, BE IT RESOLVED, the Chief Financial Officer has certified that funds are available and certification is attached to the original of this resolution.

NOW THEREFORE, BE IT FURTHER RESOLVED, the Mayor and Council authorize the Borough Administrator to execute this lease agreement a state contract with the above named vendor to purchase these specified vehicles.

Introduced by: Councilmember Talarico; seconded by Councilmember LaMonica - All ayes
Councilmember Curry needed clarification as to the reason for the purchase;

136-2013 Establishing A New Petty Cash Fund

WHEREAS, N.J.S.A. 40A authorizes the establishment of a Petty Cash Fund in the Borough of Montvale, County of Bergen by application and resolution; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Montvale, to establish such a fund for the Montvale Police Department in the amount of \$500.00; and

WHEREAS, the custodian for this fund shall be Marly Frasciello or Heather McGee, who is bonded for the amount of \$1,000; such custodians shall maintain records for this fund in a manner conducive to the proper accounting and auditing procedures; and

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council hereby authorize such action and that two copies of this resolution be filed with the Division of Local Government Services, Department of Community Affairs for approval.

Introduced by: Councilmember Ghassali; seconded by Councilmember Lane - All ayes
Councilmember Curry asked for an explanation; this is an additional petty cash fund for the Police Dept;

137-2013 Award Professional Service Contract/Construction Inspection Services/Memorial & LaTrenta Tennis Courts Rehabilitation/Maser

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide the construction inspection services for the Memorial & LaTrenta Tennis Courts Rehabilitation; 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, 200 Valley Road, Suite 400, Mt. Arlington, NJ 07856 has submitted a proposal dated August 7, 2013 to provide construction inspection utilizing the plans and specification developed for the project which is 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 proposal for the scope of service is attached to this resolution which is made part of this resolution shall be awarded to Maser Consulting.
- 2) That the following be provided: Construction Inspection Services
- 3) The cost not to exceed shall be \$10,000.00. 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 Mercedes Drive, Montvale, NJ 07645.

Introduced by: Councilmember Talarico; seconded by Councilmember Lane - All ayes
Councilmember Curry commented about this being completed already; the engineer clarified that this is for inspection of the tennis courts. Councilmember Ghassali asked for an explanation regarding "not to exceed" ; Mr. Ghassali wanted a detailed invoice;

138-2013 Authorize Payment #1/Akers Avenue Roadway Improvement/Reivax

WHEREAS, a Contract was awarded by Resolution No. 47-2013 on January 29, 2013 in the amount \$162,223.20 for the base bid and Alternate A to Reivax Contracting Corporation, 356 Thomas Street, Newark, NJ 07114 for the Improvements to Akers Avenue Roadway; and

WHEREAS, the Borough Engineer, in a letter dated August 8, 2013 attached to the original of the resolution takes no exception to Payment No. 1 in the amount of \$11,817.04; and

WHEREAS, the Municipal Finance Officer has certified funds are available as outlined in the Certification of Funds as attached to the original of this Resolution.

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

- 1) Payment Change 1 in the amount of \$11, 817.04 be paid to Reivax Contracting Corporation, 356 Thomas Street, Newark, NJ 07114

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

140-2013 Change In Custodian Of Petty Cash Fund

WHEREAS, Joan Myer was custodian of the Petty Cash Fund, and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Borough of Montvale is changing custodians to Fran Scordo; and

WHEREAS, Fran Scordo is bonded in the amount of \$1,000.00 by virtue of a surety bond.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Montvale, County of Bergen, hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval

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

BILLS: Municipal Clerk read the Bill Report.

Motion to pay bills by Councilmember Lane; seconded by Councilmember Curry - All ayes

Councilmember Cudequest abstained on bill # 01335; Councilmember Ghassali wanted to hold payment for D'Onofrio & Sons until landscaping is completed;

REPORT OF REVENUE: Municipal Clerk read the Report of Revenue

COMMITTEE REPORTS:

Councilmember LaMonica

Seniors

Montvale Police department made a presentation in conjunction with the Sherriff's department Gold Star ID Program asking the seniors to register, in case of an emergency and what their special needs would be, such as oxygen;

Tree Ordinance Committee

First meeting will be held next week

Councilmember Curry

Local BOE

School starts September 9th;

Recreation

Summer camp had 230 campers

Board of Health

Tentative date for the Flu clinic, Saturday, Sept 28th;

Construction

Ahead by \$115,000 from this time last year; total permits increased from last year;

Council President Ghassali

DPW

Business as usual

Councilmember Cudequest

No Report

Councilmember Talarico

Police

Monthly report included in original minutes

Tri-Boro

48 calls; 680 miles; 46 hours; 164 crew hours all by Montvale

Councilmember Lane

Fire Dept

18 fires; 2 drills and no chief calls; major incident on the Garden State Parkway;

Finance

Gave an explanation regarding the borough's surplus;

Mayor Fyfe

16,794 total circulation; 7,448 patron visits; 44 new cards issued; Still time to complete the survey regarding weekend hours; Looking for books, cd's and dvd's for annual book sale to be held on October 5 and 6;

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

a. Discussion/Road Improvement Program

Gave councilmembers a report of the condition of all the roads in Montvale; for consideration of paving

b. Authorization To Bid/Magnolia Avenue Roadway Improvements

Request for next meeting authorization to bid

c. Akers Ave Update

Will be completed by next week

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

No Report

UNFINISHED BUSINESS:

- a. None.

NEW BUSINESS:

- a. Review Montvale Recreation/Class Schedule 2013-2014/Payment of Instructors
After a brief discussion, it was decided to have the Recreation Director attend the next meeting to further discuss
- b. Request/Girl Scout Troop 4006/Montvale Pet Day/Oct. 13th Rain Date Oct. 20th/Memorial Field
Motion to grant permission by Councilmember Ghassali; seconded by Councilmember Cudequest

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 Cudequest; seconded by Councilmember Lane
- All ayes

NO PUBLIC COMMENT

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT The next Meeting of the Mayor and Council will be held August 27, 2013 at 7:30 p.m.

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

Meeting was adjourned at 8:45pm

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk