

**MINUTES  
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:56 pm. Adequate notification was published in the official newspaper of the Borough of Montvale. Roll call was taken.

**OPEN PUBLIC MEETING STATEMENT**

Adequate notice of this meeting was provided to The Bergen Record 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).

**ROLL CALL:**

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

Also present: Mayor Roger Fyfe; Borough Attorney, Phil Boggia; Borough Engineer, Andy Hipolit; Administrator/Clerk, Maureen Iarossi-Alwan and Deputy Municipal Clerk, Fran Scordo

**Swearing In of Special Police Officers**

Frank DiPalma and Nicholas Evans

**ORDINANCES:**

**PUBLIC HEARING OF 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

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

**Section 1.** The improvements described in Section 2 of this ordinance are hereby authorized as general improvements to be made or acquired by the Borough of Montvale. For the said improvements or purposes stated in said Section 2, there is hereby appropriated the sum of \$52,000 from moneys available from General Capital Fund Balance.

**Section 2.** The improvements hereby authorized and purposes for the financing of which said appropriations are made are for the acquisition of various equipment for the volunteer fire department of the Borough of Montvale, including all work and materials necessary therefor and incidental thereto.

**Section 3.** The capital budget of the Borough of Montvale is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

**Section 4.** This ordinance shall take effect after publication thereof following final adoption, as provided by Law.

Ordinance No. **2013- 1380** was introduced for second reading by Councilmember Curry; seconded by Councilmember Curry; Clerk read by title only

Motion to open meeting to the public by Councilmember Cudequest; seconded by Councilmember Ghassali - all ayes

**NO PUBLIC COMMENT**

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

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

**MINUTES:**

August 13, 2013

A motion to accept the minutes by Councilmember Ghassali; seconded by Councilmember LaMonica - all ayes

**RESOLUTIONS:**

**141-2013 Refund Tax Court Settlement / Borough Audit**

**BE IT ROLVED**, as a result of the annual audit by the borough auditors, the following taxpayer is due a refund for their Tax Court settlement;

Block 603; Lot 8 - \$1,798.42

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

**142-2013 A Resolution Waiving Redemption of Tax Credit Overpayments for Certain Property Owners Who Purchased Property Subsequent to the Overpayment**

**WHEREAS**, the Borough of Montvale is in the process of recovering excess credits given to certain property owners as a result of settlements and/or judgments entered in various tax appeals; and

**WHEREAS**, it has come to the attention of the Borough of Montvale that certain current property owners whose properties were the subjects of said appeals did not receive said overpayments because they were credited to the previous owners of their respective parcels, prior to the current owners' purchase of same; and

**WHEREAS**, in consultation with the Department of Community Affairs, the Borough has determined that it is reasonable and equitable to waive the redemption of the overpayments for these specific property owners so situated.

**NOW, THEREFORE, BE IT RESOLVED** that the redemption of tax credit overpayments is hereby waived for the following residential parcels:

<b>Block</b>	<b>Lot / Qualifer</b>	<b>Amount</b>
104	1	\$841.56
702	34.14 / C136B	\$121.12
904	9	\$1,733.95
1301	3	\$999.22
1501	19.05	\$717.94
1608	21	\$504.88
1803	2	\$840.50
2001	5.01 / C0048	\$826.64
2001	5.01 / C0076	\$826.28
2001	5.01 / C0080	\$350.54
2001	5.01 / C0092	\$584.54
2902	6	\$248.62
2903	6.24	\$150.64
2903	6.27	\$354.27

**BE IT FURTHER RESOLVED** that in the event any of the owners of the above-identified parcels has already made payment to the Borough, said funds shall be returned as soon as practicable, and the Tax Collector and other Borough officials are hereby authorized and empowered to take all steps necessary to effectuate the purposes of this Resolution.

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

**143-2013 Group Affidavit Audit/Comments/Recommendations/Audit**

**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 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of the N.J.S.A.40A:5-6, and a copy has been received by each member of the Governing Body; and

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

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall be resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS  
RECOMMENDATIONS

and

**WHEREAS**, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, specifically the sections of the Annual Audit entitled: General Comments - Recommendations;

as evidenced by the group affidavit form of the Governing Body; 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, as per the regulations of the Local Finance Board; 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 promulgations of the Local Finance Board of the State of New Jersey may subject the members of the 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 dated fixed for compliance, fails or refuses to obey an order of the 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 Council of the Borough of Montvale, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 10, 1968 and does here submit a certified copy of this resolution and the required Affidavit to said Board to show evidence of said compliance.

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

**144-2013 Corrective Action Plan/Borough Audit**

**WHEREAS**, the audit report for the year ended December 31, 2012 was received by the Borough of Montvale on July 15, 2013; and

**WHEREAS**, the Division of Local Government Services requires a corrective action plan to be prepared and submitted within 60 days from the date the audit is received by the Governing Body; and

**WHEREAS**, the corrective action plan covers all findings and recommendations in the audit report, including state, federal and general findings, as well as, the status of prior year findings and recommendations; and

**WHEREAS**, the corrective action plan should be prepared by the Chief Financial Officer, with the assistance from other municipal officials affected by the audit recommendations, and approved by the Governing Body.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Montvale hereby approves the corrective action plan prepared and submitted by the Chief Financial Officer in response to the findings and recommendations included as part of the audit report for the year ended December 31, 2012.

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

**145-2013 A Resolution Authorizing the Execution of a Shared Services Agreement with the Township of River Vale Concerning the Creation of a New Pascack Valley Department of Public Works with River Vale as the Lead Agency**

**WHEREAS**, the Uniform Shared Services and Consolidation Act (*N.J.S.A. 40A:65-1 et seq.*) provides that local units of government may enter into a contract for the joint provision of any service which either party to said agreement is empowered to render or perform within its own jurisdiction; and

**WHEREAS**, the Mayor and Council of the Borough of Montvale are constantly exploring options available to the Borough to obtain cost savings for Borough residents in the performance of various services, while still maintaining quality of performance and a high level of professionalism; and

**WHEREAS**, in furtherance of this mission, the Mayor and Council did conduct a Feasibility Study concerning the potential for shared services between the Borough of Montvale and the Township of River Vale regarding the services performed by the Department of Public Works; and

**WHEREAS**, the results of said study concluded that the Borough of Montvale can expect to save approximately \$400,000.00 annually and maintain a high level of service and responsiveness to Montvale residents by entering into a Shared Services Agreement with the Township of River Vale and creating a partnership for the unified performance of public works services; and

**WHEREAS**, pursuant to this Shared Services Agreement, River Vale as Lead Agency will increase the size of its current department of public works and reorganize itself as the Pascack Valley Department of Public Works (DPW) serving the Township of Rivervale and the Borough of Montvale; and

**WHEREAS**, the Pascack Valley DPW will operate within one service territory comprised of the combined jurisdictions of the municipalities of Montvale and River Vale; and

**WHEREAS**, the Pascack Valley DPW will perform all public works services currently performed by the Montvale Department of Public Works and the River Vale Department of Public Works with the exception of curbside garbage pick-up, while the Borough of Montvale will contribute financially towards the operation of said department including contributions toward capital expenses therefore; and

**WHEREAS**, the Feasibility Study also concluded that the Borough of Montvale would be expected to incur significant expense for capital costs related to existing DPW equipment over the next five years, absent this Shared Services Agreement with River Vale or a similar agreement with another municipality; and

**WHEREAS**, the Feasibility Study recommended that Montvale enter into the contemplated Shared Services Agreement with the Township of River Vale for the benefit of Montvale residents and taxpayers; and

**WHEREAS**, it is the intention of the Borough of Montvale and the Township of River Vale to enter into a Shared Services Agreement concerning the creation of a new Pascack Valley Department of Public Works for all public works-related services excepting curbside garbage pick-up in the Borough of Montvale with River Vale as the lead agency; and

**WHEREAS**, *N.J.S.A. 40A:65-1 et seq.* requires that the Shared Services Agreement be approved by resolution of the governing body of each participating municipality; and

**WHEREAS**, the Mayor and Council did approve an Ordinance dissolving the Montvale Department of Public Works and partnering with River Vale to create a new Pascack Valley Department of Public Works, which Ordinance will be effective upon the execution of a Shared Services Agreement with the Township of River Vale and the implementation of that agreement; and

**WHEREAS**, Montvale and River Vale have negotiated a Shared Services Agreement upon terms and conditions that are substantially consistent with the recommendations of the Feasibility Study and as described in this Resolution, for an initial period of 10 years; and

**WHEREAS**, the Mayor and Council are desirous of authorizing the Shared Services Agreement with the Township of River Vale concerning the Pascack Valley Department of Public Works pursuant to *N.J.S.A. 40A:65-5(a)*; and

**WHEREAS**, pursuant to *N.J.S.A. 40A:65-5(b)*, a copy of the Shared Services Agreement shall be available for public inspection at the Municipal Complex immediately after passage of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale that the Mayor and Borough Clerk are authorized and empowered to execute the negotiated Shared Services Agreement with the Township of River Vale concerning the operation of the

Pascack Valley Department of Public Works, as well as all other documents necessary to effectuate the purposes of this Resolution.

**BE IT FURTHER RESOLVED** that pursuant to *N.J.S.A. 40A:65-5(b)*, the Borough Clerk shall make the Shared Services Agreement available for public inspection at the Municipal Complex immediately after passage of this Resolution.

Introduced by: Councilmember Cudequest; seconded by Councilmember LaMonica - A roll call was taken Councilmembers Cudequest, Curry and LaMonica voted yes; Councilmember Ghassali voted no; Councilmember Ghassali submitted his comments to be included with original minutes.

**146-2013 Authorize Hiring/Part-Time Electrical Sub-Code Official/F. Dyer**

**WHEREAS**, the Borough of Montvale wished to hire a part-time Electrical Sub-Code Official in the Borough of Montvale; and

**WHEREAS**, Frank Dyer meets the qualifications for this position, agrees to the terms and conditions of employment; and

**WHEREAS**, the terms and conditions of this employment shall be outlined in a separate letter of employment determined by the Mayor and Council; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that Frank Dyer is hereby appointed part-time Electrical Sub-Code Official.

**BE IT FURTHER RESOLVED**, this appointment is a four (4) year term effective August 21, 2013.

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

**147-2013 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 \$580.52 from the Administrative Office of the Courts 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 \$580.52 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:  
Municipal Court Alcohol Education, Rehabilitation  
and Enforcement Fund, and

**BE IT FURTHER RESOLVED** that a like sum of \$580.52 be and hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

Municipal Court Alcohol Education, Rehabilitation  
and Enforcement Fund

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

**148-2013 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 \$3,274.00 from the County of Bergen 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 \$3,274.00 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:

U.S. Department of Housing and Urban Development -  
Community Development Block Grant:

Senior Citizen Activities, and

**BE IT FURTHER RESOLVED** that a like sum of \$3,274.00 be and hereby appropriated under the caption of:

General Appropriations

(C)Capital Improvements - Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

U.S. Department of Housing and Urban Development -  
Community Development Block Grant:

Senior Citizen Activities

Introduced by: Councilmember Ghassali; seconded by Councilmember Curry - All ayes  
Councilmember Cudequest asked if this resolution was a duplication; the administrator stated one resolution is for senior citizen activities and the other is for drug and alcohol education;

**149-2013 Appointing Frank DiPalma / Special Police Officer**

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that Frank DiPalma be and is hereby appointed as a Special Police Officer with the Borough of Montvale Police Department; and

**BE IT FURTHER RESOLVED**, the effective date of employment is August 27, 2013.

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

**150-2013 Appointing Nicolas Evans / Special Police Officer**

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that Nicolas Evans be and is hereby appointed as a Special Police Officer with the Borough of Montvale Police Department; and

**BE IT FURTHER RESOLVED**, the effective date of employment is August 27, 2013.

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

**BILLS: Municipal Clerk read the Bill Report**

Motion to pay bills by Councilmember Cudequest; seconded by Councilmember LaMonica - All ayes

**ENGINEER'S REPORT:**

Andrew Hipolit  
Report/Update

a. NJDOT FY 2014 Municipal Aid Program Application/Magnolia Section Kinderkamack Road  
Will accept bids for paving in early September

b. Tennis Court Update  
Tennis court at LaTrenta are completed; Memorial will be complete in a few weeks

c. Akers Ave Update  
The paving is completed

Micro Paving Program

Spoke briefly about how micro paving works; the cost will run lower than regular paving , it lasts longer; it rides a little rougher.

**ATTORNEY REPORT:**

Philip Boggia, Esq.  
Report/Update

a. Status Closing School #2/Former Montvale Library  
Signed closing documents

Gave a brief synopsis of the results of the court hearing early in the day regarding the dissolution of the DPW and the court denied the plaintiff's requests.

**UNFINISHED BUSINESS:**

a. Review Montvale Recreation/Class Schedule 2013-2014/Payment of Instructors J. Freeman/Rec. Director  
Mr. Freeman answered questions from councilmembers regarding the new fall schedule

**NEW BUSINESS:**

a. Montvale PBA Local 303 / requests Permission annual 5k  
A motion by Councilmember Cudequest; seconded by Councilmember Ghassali to grant permission – all ayes

**COMMUNICATION CORRESPONDENCE:**

Mayor Fyfe met with two residents regarding the water tank and the individuals would like to assist the borough attorney going forward;

**MEETING OPEN TO THE PUBLIC:**

**HEARING OF CITIZENS WHO WISH TO ADDRESS THE MAYOR AND COUNCIL:**

Upon recognition by the Mayor, the person shall proceed to the floor and give his/her name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he/she shall limit his/her statement to five (5) minutes. Statements shall be addressed to the Council as a body and not to any member thereof. No person, other than the person having the floor, shall be permitted to enter into any discussion, without recognition by the Mayor.

A motion to open meeting to the public by Councilmember Cudequest; seconded by Councilmember LaMonica – all ayes

Barry Shereck, 25 Hickory Hill

Thanked Mayor Fyfe for taking the time to meet with him; wanted to extend “kudos” to the Police department and the EMS personnel for their professionalism in response to an emergency call for Mr. Shereck’s neighbor who was injured.

George Zeller, 105 E Grand Ave

Wanted to know when the Share Service Agreement will be available to the public;

A motion to close meeting to the public by Councilmember Cudequest; seconded by Councilmember LaMonica – all ayes

Motion to adjourn by Councilmember Cudequest; seconded by Councilmember LaMonica – all ayes

**ADJOURNMENT**

Meeting adjourned at 8:56pm

The next Meeting of the Mayor and Council will be held September 10, 2013 at 7:30 p.m.

**Respectfully submitted, Fran Scordo, Deputy Municipal Clerk**