

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:35pm. 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
Councilmember Ghassali	Councilmember Talarico

Also present: Administrator/Municipal Clerk; Maureen Iarossi-Alwan and Deputy Municipal Clerk, Fran Scordo

MINUTES:

December 10, 2013

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

RESOLUTIONS:

201-2013 Authorize Payment #3 Final/Akers Ave Roadway Improvements/Revax Contracting Corp.

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 December 5, 2013 attached to the original of the resolution takes no exception to Payment No. 3 Final in the amount of \$22,902.35; 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) Final payment in the amount of \$22, 902.35 is hereby paid to

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

202-2013 Authorize Payment #1/AJM Contractors/Magnolia Ave Roadway Improvements

WHEREAS, The Borough of Montvale awarded a contract via Resolution No. 167-2013 on September 24, 2013 for services in connection with the Magnolia Avenue Roadway Improvement Project in the amount of \$134,659,75 to include Alternate A to A.J.M. Contractors, Inc.; and

WHEREAS, the Borough Engineer, in a letter dated December 5, 2013 attached to the original of the resolution takes no exception to Payment No. 1 in the amount of \$111,474.83; 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 #1 in the amount of \$111,474.83 is hereby paid to A.J.M. Contractors, Inc. 300, Kuller Road, Clifton, NJ 07011

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

Councilmember Cudequest mentioned a resident on Magnolia was concerned about the paving along his driveway and snow plowing; Mr. Hipolit took a look at it and stated to wait until after the winter if repairs are needed.

203-2013 Authorize Payment #1/Field Turf/Fieldstone School Athletic Field

WHEREAS, the Borough of Montvale awarded a contract on March 26, 2013 via 83-2013 to FieldTurf USA, Inc., 175 N. Industrial Boulevard Calhoun, Georgia 30701 in the total amount of \$112,114.26 through a Cooperative Purchasing Agreement with the Keystone Purchasing Network in connection with the Fieldstone School Athletic Field Clay Infield Removal/Synthetic Turf Replacement Project; and

WHEREAS, FieldTurf USA, Inc. has submitted a change order for an additional 2,522 Sq. Ft. of Field Turf in a change order in the amount of \$10,192.14 was approved on October 29, 2013 via Resolution No. 178-2013; and

WHEREAS, the Borough Engineer, in a letter dated December 4, 2013 attached to the original of the resolution takes no exception to Payment No. 1 in the amount of \$119,889.54; 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 #1 in the amount of \$119,889.54 is hereby paid to FieldTurf, USA utilizing the Bank of America account information provided to the Treasurer.

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

204-2013 Authorize Payment #1/Dakota Excavating/Fieldstone School Athletic Field

WHEREAS, the Borough of Montvale awarded a contract on January 29, 2013 via 48-2013 to Dakota Excavating, 481 Hackensack Avenue, Suite 2B, Hackensack, New Jersey, in the amount of \$97,400.00; and

WHEREAS, the Borough Engineer, in a letter dated December 4, 2013 attached to the original of the resolution takes no exception to Payment No. 1 in the amount of \$95,452.00; 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 #1 in the amount of \$95,452.00 is hereby paid to Dakota Excavating.

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

205-2013 Awarding Professional Service Contract/Additional Land Surveying/Chestnut Ridge Road Widening/County of Bergen

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, on March 12, 2013 via Resolution No. 66-2013 a contract was awarded in the amount of an amount not to exceed \$49,000.00 for these services; and

WHEREAS, The County of Bergen requested additional Surveying and Engineering be conducted on this site designated for widening improvements.

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 December 4, 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 December 4, 2013 proposal, attached, shall be awarded to Maser Consulting P.A..
- 2) The not to exceed amount shall be \$21,000.00. 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

The Municipal Clerk stated that Resolutions 206-2013; 207-2013 and 208-2013 will be on a consent agenda -

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

206-2013 Authorize Execution of Agreement/Condo Service Act/Municipal Service Agreement/ Summit Ridge

WHEREAS, the Condo Services Act provides for a phase in schedule for municipal reimbursement payment at the municipal cost for certain enumerated municipal services or the providing of such services by the municipality in lieu of such reimbursement; and

WHEREAS, an agreement has been negotiated between the Borough of Montvale and Summit Ridge Condominium to satisfy the obligation of the Borough as provided by the Condo Service Act, which agreement is attached and made part of this resolution; and

WHEREAS, this agreement shall remain in effect for a five year period to commence on January 1, 2014 and terminating on December 31, 2018; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale hereby authorize the execution of the attached Agreement on behalf of the municipality by the appropriate municipal officials.

207-2013 Authorize Execution of Agreement/Condo Service Act/Municipal Service Agreement/ Olde Woods

WHEREAS, the Condo Services Act provides for a phase in schedule for municipal reimbursement payment at the municipal cost for certain enumerated municipal services or the providing of such services by the municipality in lieu of such reimbursement; and

WHEREAS, an agreement has been negotiated between the Borough of Montvale and Townhomes at Olde Woods Condominium to satisfy the obligation of the Borough as provided by the Condo Service Act, which agreement is attached and made part of this resolution; and

WHEREAS, this agreement shall remain in effect for a five year period to commence on January 1, 2014 and terminating on December 31, 2018; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale hereby authorize the execution of the attached Agreement on behalf of the municipality by the appropriate municipal officials

208-2013 Authorize Execution of Agreement/Condo Service Act/Municipal Service Agreement/Charlestowne Court

WHEREAS, the Condo Services Act provides for a phase in schedule for municipal reimbursement payment at the municipal cost for certain enumerated municipal services or the providing of such services by the municipality in lieu of such reimbursement; and **WHEREAS**, an agreement has been negotiated between the Borough of Montvale Charlestowne Court Homeowners Associations to satisfy the obligation of the Borough as provided by the Condo Service Act, which agreement is attached and made part of this resolution; and **WHEREAS**, this agreement shall remain in effect for a five year period to commence on January 1, 2014 and terminating on December 31, 2018; and **NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Montvale hereby authorize the execution of the attached Agreement on behalf of the municipality by the appropriate municipal officials.

209-2013 Awarding a Contract to Bergen Brookside Towing for the Designation as Official Police Towing Service

WHEREAS, the Borough of Montvale has a need to designate an official police towing service for the Borough of Montvale; and **WHEREAS**, consistent with the New Jersey *Local Public Contract Law, N.J.S.A. 40A:11-1*, et seq., the Borough of Montvale did publicly solicit bids for this contract under the title "Designation as Official Police Towing Service," issued in November, 2013; and **WHEREAS**, in response to said solicitation, the lowest bid received was from Bergen Brookside Towing, calculated according to the stated methodology in the bid specifications to be \$6,900.00, however any and all payments to Bergen Brookside Towing shall be in accordance with the schedule of prices set forth in the bid for each specific call; and **WHEREAS**, after review of the bids received, it was determined that Bergen Brookside Towing's bid was responsive to the bid specifications; and **WHEREAS**, the second-lowest bidder, Big Tows, submitted an untimely challenge to the Borough's bid specifications which was not considered by the Borough, in accordance with N.J.S.A. 40A:11-13; 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 that the above-referenced contract is hereby awarded as follows:

Contractor

Pricing

Bergen Brookside Towing Corp.
1 Emerson Plaza East
Emerson, New Jersey 07630

In accordance with Bid Proposal Form

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and empowered to enter into a contract with Bergen Brookside Towing consistent with this Resolution, subject to approval by the Borough Attorney and the Borough Administrator.

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

210-2013 Cancellation Of 2012 Current Fund Appropriation Reserve

WHEREAS, there exists an unexpended 2012 Current Fund budget appropriation reserve balance; and **WHEREAS**, it is necessary to formally cancel said balance so that the unexpended balance may be credited to surplus; **NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the following unexpended 2012 Current Fund budget appropriation reserve balance be cancelled:

GENERAL APPROPRIATIONS

Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues

Municipal Alliance Program \$5,864.66

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

211-2013 Cancellation Of Improvement Authorizations

WHEREAS, there exists unexpended improvement authorization balances on the balance sheet of the General Capital Fund; and

WHEREAS, the unexpended improvement authorization balances remain dedicated to projects now completed or the balances are determined to be in excess of the amounts necessary for the completion of the projects; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to reserve for payment of debt;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the following unexpended improvement authorization balances be cancelled:

GENERAL CAPITAL FUND:

<u>ORDINANCE</u>	<u>DESCRIPTION</u>	<u>FUNDED</u>	<u>UNFUNDED</u>
2008-1287	Various Capital Improvements	\$20,671.09	
2011-1348	Various Capital Improvements	14,974.95	
2011-1348	Various Capital Improvements	119.19	
2011-1348	Various Capital Improvements	2,634.15	
2011-1348	Various Capital Improvements	17,159.23	
2011-1348	Various Capital Improvements	3,267.48	
		\$58,826.09	\$0.00
		=====	=====

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

212-2013 Cancellation Of Receivable Balance

WHEREAS, there exists a receivable balance on the Current Fund balance sheet of the Borough of Montvale; and

WHEREAS, the funds creating the receivable balance have been investigated, and it has been determined that the receivable balance should be cancelled; and

WHEREAS, it is necessary to formally cancel said balance so that the uncollected receivable balance may be charged to fund balance;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, that the following receivable balance from the Current Fund be cancelled:

<CHARGES>

Current Fund

Grants Receivable:

Municipal Alliance Program <\$5,864.86>

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

213-2013 Cancellation Of Prior Year Outstanding Check

WHEREAS, There exists an outstanding check from the prior year drawn against the General Checking Account; and

WHEREAS, it has been determined that the outstanding check from the prior year be cancelled to Current Fund surplus;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, that the following outstanding check from the prior year be cancelled:

GENERAL CHECKING

<u>DATE</u>	<u>CHECK NUMBER</u>	<u>AMOUNT</u>	<u>FUND</u>	<u>ACCCOUNT</u>
06/26/12	6140	\$122.17	Current	Surplus

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

214-2013 A Resolution Awarding a Contract to New Jersey Elevator Inspection Agency for Designation as the Borough Elevator Subcode Official

WHEREAS, the Borough of Montvale has a need to engage the services of an elevator subcode official; and

WHEREAS, consistent with the New Jersey *Local Public Contract Law, N.J.S.A. 40A:11-1*, et seq., the Borough of Montvale did publicly solicit bids for this contract under the title "Elevator Subcode Official," for a period of three years, with bids due in November, 2013; and

WHEREAS, in response to said solicitation, the lowest bid received was from New Jersey Elevator Inspection Agency, with a price of 59% of DCA fees charges for inspections, plus the Borough's 20% Administrative Fee; however, any and all payments to New Jersey Elevator Inspection Agency shall be in accordance with the schedule of prices set forth in the bid for each specific inspection item; and

WHEREAS, after review of the bids received, it was determined that New Jersey Elevator Inspection Agency's bid was responsive to the bid specifications; and

WHEREAS, the second-lowest bidder, Municipal Inspection Corp., submitted a letter challenging certain aspects of NJEIA's bid; however all issues raised were adequately addressed by NJEIA, and none of the issues constituted fatal or material defects in NJEIA's bid; 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 that the above-referenced three-year contract is hereby awarded as follows:

<u>Contractor</u>	<u>Pricing</u>
New Jersey Elevator Inspection Agency 30 Amherst Place Livingston, New Jersey 07039	In accordance with Bid Proposal Form 59% of DCA Fees + 20% Administrative Fee

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and empowered to enter into a contract with New Jersey Elevator Inspection Agency consistent with this Resolution, subject to approval by the Borough Attorney and the Borough Administrator.

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

215-2013 Cancellation of Tax and Excess Sewer Overpayments or Delinquent Amounts Less than \$10.00

WHEREAS, N.J.S.A. 40A:5-17 allows for the cancellation of property tax and excess sewer overpayments or delinquent amounts in the amount of less than \$10.00; and

WHEREAS, the Mayor and Council may authorize the Tax Collector to process, without further action on their part, any cancellation of property tax and excess sewer overpayments or delinquencies of less than \$10.00

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, hereby authorize the Tax Collector to cancel said property tax and excess sewer amounts as deemed necessary.

BE IT FURTHER RESOLVED, that a certified copy of the resolution be forwarded to the Tax Collector, Chief Finance Officer and the Municipal Auditor.

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 Talarico - All ayes
Councilmember Cudequest abstained from bill #01335

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 Lane; seconded by Councilmember Cudequest - all ayes

NO PUBLIC COMMENT

A motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Cudequest - all ayes

Motion to adjourn by Councilmember Lane; seconded by Councilmember Cudequest - all ayes

ADJOURNMENT

Meeting adjourned at 7:45pm

The Re-Organization Meeting of the Mayor & Council will be held on Monday, January 6, 2014 at 7:30 p.m.

The Regular Meeting of the Mayor and Council will be held January 14, 2014 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk