

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:30pm. 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: Mayor Roger Fyfe; Borough Attorney, Joe Voytus; Administrator/Clerk, Maureen Iarossi-Alwan and Deputy Municipal Clerk, Fran Scordo

ORDINANCES:

PUBLIC HEARING ORDINANCE NO. 2014-1386 ORDINANCE OF THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, NEW JERSEY REAPPROPRIATING \$385,450.99 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE BOROUGH

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. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$385,450.99 of the proceeds of obligations originally made available pursuant to the following bond ordinances of the Borough of Montvale, in the County of Bergen, New Jersey (the "Borough") are no longer necessary for the various purposes for which the obligations previously were authorized:

Ordinance Number	Improvement Description and Date of Adoption	Amount to be Reappropriated
2003-1201(c)	Gabion walls/drainage improvements, finally adopted August 12, 2003.	\$12,085.84
2011-1347	Sanitary sewers/gabion walls, finally adopted June 28, 2011.	\$160,284.48
2011-1348(e)	Sewer utility – sanitary sewer system, finally adopted August 9, 2011.	\$28,223.29
2011-1348(g)	Department of Public Works – salt storage shed, finally adopted August 9, 2011.	\$101,276.48
2011-1348(h)	Department of Public Works – Headwall and culvert (Huff Terrace), finally adopted August 9, 2011.	\$60,601.44
2011-1348(i)	Department of Public Works – Overhead garage door/floor, finally adopted August 9, 2011.	\$22,979.46
	TOTAL	\$385,450.99

Section 2. The \$385,450.99 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for various road improvements throughout the Borough, including all work and materials necessary therefor and incidental thereto.

Section 3. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance No. **2014- 1386** was introduced for second reading by Councilmember Curry; seconded by Councilmember Lane ; Clerk read by title only

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

NO PUBLIC COMMENT

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

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

MINUTES:

February 11, 2014

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

RESOLUTIONS:

45-2014 Emergency Temporary Appropriations

WHEREAS, an emergent condition has arisen with respect to certain budget appropriations and no adequate provision has been made in the 2014 temporary budget, and N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations for said purpose; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2014 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951) including this resolution total:

Current Fund \$468,011.63

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 \$255,000.00

- 2. That said emergency temporary appropriation (will be) provided in the 2014 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”

Maintenance of all Vehicles:

Other Expenses	\$5,000.00
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General Appropriations

Operations – Excluded from “CAPS”

Inter-local Municipal Service Agreements

Department of Public Works Services:

Township of River Vale - Other Expenses	<u>250,000.00</u> \$255,000.00 =====
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Introduced by: Councilmember Ghassali; seconded by Councilmember Talarico - All ayes

46-2014 Resolution Calling on the Legislature to Make Permanent the 2% Cap on Interest Arbitration Awards

WHEREAS, on December 21, 2010, Governor Christie signed into law reforms to the Arbitration process that took effect January 1, 2011; and

WHEREAS, the reforms capped arbitration awards on economic factors to no more than 2%, provided for random selection of arbitrators, expedited the determination of awards, required the arbitrator to provide a written report detailing the weight accorded to each of the required considerations and expedited the appeal process; and

WHEREAS, these reforms marked a dramatic change to the arbitration process and have helped municipalities to control the never-ending rise in public safety personnel costs; and

WHEREAS, a key element of the reforms, capping arbitration awards on economic factors to no more than 2% of the property tax levy will expire on April 1, 2014; and

WHEREAS, while municipalities are statutorily limited to raise their property tax levy by no more than 2%, with very limited exceptions, failure to extend the 2% cap on interest arbitration awards will force municipalities throughout the State to further reduce or even eliminate crucial services, personnel, and long-overdue infrastructure improvement projects in order to fund an arbitration award; and

WHEREAS, the 2% Interest Arbitration cap has controlled one of the largest municipal expense, public safety salaries, not only through arbitration awards but through contract negotiations; and

WHEREAS, absent further action by the Legislature, any contract that expires on or after April 1, 2014, will be subject to all new procedures and requirements, EXCEPT the 2% awards cap; and

WHEREAS, without those limits, arbitrators will be able to impose awards that do not account for the 2% limit on the property tax levy, which would immediately threaten funding for all other municipal services; and

WHEREAS, without the 2% cap on Interest Arbitration Awards but with the 2% cap on property tax levy local budget makers could be forced to reduce other essential municipal services to fund an arbitration award;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Montvale strongly urges the Legislature to permanently extend the 2% cap on interest arbitration awards prior to the April 1, 2014 sunset; and

BE IT FURTHER RESOLVED, that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, the legislators of the Borough of Montvale, State Legislative representatives, Governor Chris Christie, and the New Jersey State League of Municipalities.

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

**47-2014 Authorize Submission Of An Application For Municipal Alliance Grant
Fiscal Cycle July 2014-June 2019**

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Council of the Borough of Montvale, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Bergen.

NOW THEREFORE, BE IT RESOLVED, by the Borough of Montvale, County of Bergen, State of New Jersey hereby recognizes the following:

The Borough Council does hereby authorize submission of an application for the Borough of Montvale Municipal Alliance grant for calendar year 2014 in the amount of \$9,876.00 DEDR; \$2,469 Cash Match; \$7,407 In-Kind

The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

**48-2014 Award Professional Service Contract / Tier A – Municipal Stormwater
General Permit/Outfall Inspections/ Maser Consulting**

WHEREAS, the Borough of Montvale is required to perform inspections on all stormwater outfalls by April 1, 2014. This requirement deems it necessary to engage the professional services of an Engineer to provide inspection services for the Montvale’s Tier A- Municipal Stormwater General Permit; 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 dated February 14, 2014 which is attached to this resolution; and

WHEREAS, the cost is not to exceed \$7,500.00 these cost do not include testing discharge (other than stormwater) from the outfall if required (see attached proposal for further detail); and

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

49-2014 Authorize Release of Cash Bond & Escrow/ARV At Montvale/Block 1902/Lot 5

WHEREAS, ARV At Montvale Grand, LLC, is requesting a release in their cash bond and 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 January 23, 2014 which is attached to the original of this resolution; and

WHEREAS, the Borough Engineer recommends release the cash bond in the amount of \$14,597.97 and escrow in the amount of \$28.00; and

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

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

50-2014 Authorize Professional Service Contract /Re-Zoning & Approval/Adaptive Reuse of School #2/Affordable Housing/Phillips Preiss Grygiel, LLC

WHEREAS, the Borough of Montvale deemed it necessary for the Municipal Planner to prepare the necessary rezoning and approval of the adaptive reuse of School #2 property in Montvale, for an affordable housing project; and

WHEREAS, the Borough Planner, Richard M. Preiss of Phillip Preiss Grygiel, LLC, 33-41 Newark Street, Third Floor, Suite D, Hoboken, NJ 07030 has submitted a proposal in the amount not to exceed \$10,000.00 funds which will be used from the Borough of Montvale's Affordable Housing Trust Fund with the exception of Site Plan Review Escrows in the amount of \$3,000 the detailed proposal dated January 29, 2014 is attached to the original of this resolution; and

WHEREAS, the Certified Municipal Finance Officer has certified funds are available in the Affordable Housing Trust Fund said certification is attached to the original of this resolution.

Introduced by: Councilmember Cudequest; 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 #00125

ENGINEER'S REPORT:

Andy Hipolit
Report/Update
No Report

ATTORNEY'S REPORT:

Joe Voytus, Esq.
Report/Update
No Report

UNFINISHED BUSINESS:

- a. Park Ridge Pistol Range/Capital Upgrades Cost & /Annual Usage Cost

After a brief discussion by councilmembers a motion to use Park Ridge pistol range by Councilmember Lane; seconded Councilmember Cudequest - all ayes

NEW BUSINESS:

- a. Request 5K Run / MEF / April 6

a motion to grant permission by Councilmember Lane; seconded by Councilmember Talarico – all ayes

- b. Sign / Senior Center

Councilmember LaMonica mentioned that it was brought to her attention that there should be a sign at the community center.

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.

A motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Talarico – all ayes

George Stafford --- NJ Highlands Coalition

Asking for support by submitting a resolution

Clint Miller

Spent several nights digging out some hydrants due to the large volume of snow; State Dept OSHA inspected the firehouse and there are some violations;

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

A motion to go into closed session by Councilmember Lane; seconded by Councilmember Cudequest – all ayes

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

ADJOURNMENT

Meeting adjourned at 8:30pm

The next Meeting of the Mayor and Council will be held March 11, 2014 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk