

**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

Appreciation Recognition/ Ray Woodward

Mayor Fyfe presented Ray Woodward with a plaque

Presentation/NJ Energy Group/Energy Aggregation

Stephen Thayer, Daniel Campbell & Michael Slapp
Presentation included with original minutes

ORDINANCES:

PUBLIC HEARING ORDINANCE NO.2014 -1387 CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the governing body of the Borough of Montvale in the County of Bergen finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the governing body hereby determines that a 3.0% increase in the budget for said year, amounting to \$305,592.50 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the governing body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the governing body of the Borough of Montvale in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Borough of Montvale shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$356,524.59, and that the CY 2014 municipal budget for the Borough of Montvale be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Ordinance No. **2014- 1387** was introduced for second and final reading by Councilmember Curry ; seconded by Councilmember Lane; Clerk read by title only

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

NO PUBLIC COMMENT

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

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

Resolution No. 66- 2014 Self-Examination of 2014 Municipal Budget

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Montvale has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2014 budget year.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Montvale that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget.

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

- 2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law).
- 3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
- 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated;
 - b. Items of appropriations are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
- 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
- 6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Introduced by: Councilmember Lane; seconded by Councilmember Cudequest - A roll call was taken - All ayes

PUBLIC HEARING 2013 MUNICIPAL BUDGET

MEETING OPEN TO PUBLIC:

Municipal Budget Only

Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Cudequest - All ayes

NO PUBLIC COMMENT

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

MEETING CLOSED TO PUBLIC:

Municipal Budget Only

ADOPTION 2014 MUNICIPAL BUDGET

Resolution No. 67- 2014 Adoption of 2014 Municipal Budget

Original Resolution provided by Municipal Auditor included with minutes

Introduced by: Councilmember Lane; seconded by Councilmember Cudequest - A roll call was taken - All ayes

MINUTES:

March 25, 2014

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

RESOLUTIONS:

68-2014 Authorize Hiring / Part Time On Call / Crossing Guard /Martin Marquez

WHEREAS, the Montvale Police Department desires to hire a part-time on call crossing guard in the Borough of Montvale; and,

WHEREAS, Martin Marquez has met the qualifications for this position, agrees to the terms and conditions of employment; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that the above named individual is hereby appointed to the position of Part-time On Call Crossing Guard, effective April 9, 2014.

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

69-2014 Borough of Montvale Fire Department LOSAP Eligible' s

WHEREAS, The Borough of Montvale, has adopted a LOSAP program for the members of the Montvale Fire Department; and

WHEREAS, to be eligible for the annual \$1,150.00 stipend for 2013, totaling \$23,000 for the Department, the Montvale Fire Department must meet certain criteria; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the Borough Treasurer initiate LOSAP payments in the name of those Fire Department members deemed eligible to receive them.

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

70-2014 Sale of Surplus/Property/Use of GovDeals/Online Auction

WHEREAS, the Borough of Montvale is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Governing Body is desirous of selling said surplus property in an "as is" condition without express or implied warranties.

NOW THEREFORE, be it RESOLVED by the Governing Body of The Borough of Montvale, Bergen County, State of New Jersey, as follows:

(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Borough of Montvale.

(2) The sale will be conducted online and the address of the auction site is govdeals.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(4) A list of the surplus property to be sold is as follows is attached to the original of this resolution.

(5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Borough of Montvale reserves the right to accept or reject any bid submitted.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale County of Bergen, State of New Jersey the Mayor and/or Municipal Clerk are authorized to execute the agreement with GovDeals, and any and all documents necessary for the auction of surplus municipal property.

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 Cudequest - All ayes

REPORT OF REVENUE: Municipal Clerk read the Report of Revenue

COMMITTEE REPORTS:

Councilmember Curry

Local BOE

Public hearing on the school budget, Tues April 29th;

Recreation

All Spring programs are up and running; Tennis round robin will begin the first Thursday after Memorial Day;

Construction

Permits have been increasing; Field Coordinator software was installed and is working well;

Councilmember Ghassali

Administration

Department heads attended a bi-annual training which is required by the insurance to go over policy and procedures;

Councilmember LaMonica

Chamber of Commerce

June 1st – Street fair; Networking Breakfast will be held at Davey’s Locker on April 9 at 7:30 am;

Transit shuttle

Riders have been steady

Keeping it Green

Bergen County Clean Communities clean-up day will be held on April 26th; Registration will begin at 8:45am at the Red shed; lunch will be provided by Davey’s Locker;

Councilmember Cudequest

Environmental Commission

On March 17 the Shoppes at DePiero’s came before the board, due to inconsistencies with the landscaping, the plans were not approved;

Regional High School Board

April 23rd the Hills-Valley Coalition will be presenting a program entitled “the Face of Addiction, a Family Portrait” at 7pm at Pascack Valley HS

Councilmember Talarico

Police

Monthly report included in original minutes

Tri-Boro

39 calls; 583 miles; 59 hours; 50 crew hours all by Montvale

OEM

Completed re-certification with the State of NJ which will expire in March 2018

Councilmember Lane

Fire Dept

30 fire calls; 2 drills; 4 extra credits;

Two resolutions are needed; one for the Assistant Chief to be changed to Deputy Chief and the other resolution is for the new fire truck Houston Galveston Cooperative; Will host Mother’s Day pancake breakfast;

Mayor Fyfe

Library

12,098 circulation; 6,122 patron visits; 33 library cards issued; Friends of the Library will be raffling off a painting of DePiero's Farm on Wednesday, May 28th; Dining for Dollars will be held at Davey's Locker, April 28, 29 and May 1st

The Mayor would like feedback from the residents on the energy presentation that took place this evening; he would like to thank all the athletic organizations for their cooperation with scheduling field use; thanked Lt. Piatt for getting Montvale re-certified for OEM; the Mayor visited Am-Tree Nursery School and read to the children.

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

- a. Review/Overview of Proposed Streets/2014 Road Improvement Program
 - 1) Granting Authorization To Prepare Specifications & Competitively Bid

Will provide list to council for their review

- b. Bergen County Cooperative Ramp Program/Grand Ave/Spring Valley Road/Summit Avenue/Recommendation of Award
 - 1) Proposed Draft Reso. 71-2014 Award To Concrete Construction/Ramp Program

71-2014 Award Professional Service Contract/Bergen County Cooperative Curb Ramp Program/Concrete Construction Corporation

WHEREAS, the County of Bergen established a Cooperative Program to improve Curb Ramps throughout Bergen County for selected roadways in each municipality; and

WHEREAS, the County of Bergen publicly bid the project and awarded it to Concrete Construction Corporation, 24 Pink Street, P.O. Box 4063, South Hackensack, New Jersey 07601; and

WHEREAS, the cost to Bergen County for the construction of the project is \$240,000.00 which is based on 96 location within the Borough which have been approved by Bergen County; and

WHEREAS, Montvale will be reimbursed the initial 50% of construction cost upfront upon this award to Concrete Construction. Final amount of reimbursement will be based on final as-built quantities of work approved by Bergen County. Attached to the original of this resolution is Bergen County Resolution No. 1877-12; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale award a contract to Concrete Construction Corporation for the Bergen County Cooperative Curb Ram Program for an amount not to exceed \$240,000.00

Introduced by: Councilmember Lane; seconded by Councilmember LaMonica - A roll call was taken
- All ayes

- c. Update United Water/Water Main Installation/Montvale Commons

Provided paperwork to United Water and waiting for a date to begin

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

No Report

UNFINISHED BUSINESS:

- a. Discussion/Mulch/Tub Grinding Cost Estimates/Hauling Estimates

Grind what currently is there and give to the residents; a motion to accept the proposal from Ken Tree Service by Councilmember Lane; seconded by Councilmember LaMonica – all ayes

- b. Proposed Montvale Tree Removal & Protection Ordinance
 - 1) Explanation of Changes Made To Prior Draft Ordinance
 - 2) Deletions/Additions/Amendments
 - 3) New Proposed Draft Ordinance

After a brief discussion by Councilmembers, it was decided to have the Borough Planner attend the next public meeting to further discuss some concerns by Councilmembers.

NEW BUSINESS:

- a. Montvale Bd. Of Education/Request For Permit Fee Waivers

A motion by Councilmember Ghassali; seconded by Councilmember Lane to waive permit fees;

COMMUNICATION CORRESPONDENCE:

- a. State of NJ/Dept. of Education/Petition For Authorization To Conduct A Referendum On The Withdrawal of Woodcliff Lake From The PVRSD

Woodcliff Lake initiated the petition. Waiting to see if this will be a special election or a general election.

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

Jeff Piatt, 21 Ladik Place

Stated he received an excess sewer charge, and he feels because he is watering his lawn he should not have to pay the excess charge;

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

MEETING CLOSED TO THE PUBLIC:

A motion to go into Closed Session by Councilmember Lane; seconded by Councilmember Ghassali – all ayes

ADJOURNMENT

The next Meeting of the Mayor and Council will be held April 29, 2014 at 7:30 p.m.

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

Meeting was adjourned at 9:25pm

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk