

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:50pm. 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

Also present: Mayor Roger Fyfe; Borough Attorney, Phil Boggia; Borough Engineer, Andy Hipolit; and Deputy Municipal Clerk, Fran Scordo

ORDINANCES:

None

MINUTES:

April 8, 2014

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

RESOLUTIONS:

72-2014 Resolution Of The Borough Of Montvale, County Of Bergen, State Of New Jersey, Authorizing The Acceptance Of Credit Card Payments For The Collection Of Municipal Court Fees In Accordance With The Provisions Of N.J.A.C. 5:30-9.1 Et Seq.

WHEREAS, the Department of Community Affairs, Division of Local Government Services has promulgated regulations, N.J.A.C. 5:30-9.1 et seq., authorizing municipalities to accept credit card payments in accordance with the provisions of the Administrative Code, and in regard to transactions related to municipal court, pursuant to the Rules of the Court promulgated by the New Jersey State Supreme Court; and

WHEREAS, in order for a municipality to accept credit card payments, a resolution must be adopted by the governing body authorizing the same and stating the type of obligations which can be paid by electronic receipt and the types of electronic receipt that will be permitted; and

WHEREAS, it is the desire of the mayor and governing body to authorize the payment of municipal court fees and fines, and other fees, costs or payments associated with the operation of the municipal court; and

WHEREAS, it is the intention of the mayor and governing body to authorize the Municipal Court Office to accept payment by credit card for those fees, costs, or other payments associated with that department as set forth above; and

WHEREAS, the utilization of credit cards for payment of these taxes, fees, costs, or fines must be in accordance with the provisions of N.J.A.C. 5:30-9.1 et seq., and in regard to the municipal court, in compliance with the Rules of Court adopted by the New Jersey Supreme Court

NOW, THEREFORE, BE IT RESOLVED, by the mayor and governing body of the Borough of Montvale, County of Bergen, State of New Jersey, as follows:

1. That the mayor and council authorize the Municipal Court Office to accept credit card payments for the payment of municipal court fees, fines, and such other payments that may be due to the municipal court.

2. That the use of credit cards for payment in regard to the Municipal Court is subject to the provisions of N.J.A.C. 5:30-9.1 as well as the Rules of Court adopted by the New Jersey Supreme Court, and such guidelines as the Supreme Court may adopt in regard to the acceptance of credit card payments for municipal court obligations.

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

73-2014 Authorizing Hiring / Full Time Police Department Secretary/H. McGee

WHEREAS, the Borough of Montvale's Police Department is in need of hiring a full-time secretary; and

WHEREAS, On February 1, 2012 Heather McGee became employed in the capacity of a part-time police department secretary and has met the qualifications for this position and agrees to the terms and conditions of full time employment, and has previously completed a satisfactory background investigation; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey the above named individual is hereby appointed as a full-time employee, effective May 1, 2014.

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

74-2014 Adopting Personnel Policies and Procedures Manual

WHEREAS, it is the policy of Borough of Montvale to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor & Council has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Mayor & Council that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Montvale Mayor & Council.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough of Montvale shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Borough Administrator and the Borough Attorney shall assist the Mayor & Council in the implementation of the policies and procedures in this manual

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

75-2014 Resolution To Affirm The Borough Of Montvale’s Civil Rights Policy With Respect To All Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, And Members Of The Public That Come Into Contact With Municipal Employees, Officials And Volunteers

WHEREAS, it is the policy of Borough of Montvale to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of Borough of Montvale has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Mayor & Council of the Borough of Montvale that:

Section 1: No official, employee, appointee or volunteer of the Borough of Montvale by whatever title known, or any entity that is in any way a part of the Borough of Montvale shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person’s constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Montvale’s business or using the facilities or property of the Borough of Montvale.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Montvale to provide services that otherwise could be performed by the Borough of Montvale.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Montvale as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Montvale. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Montvale web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough of Montvale in order for the public to be made aware of this policy and the Borough of Montvale's commitment to the implementation and enforcement of this policy.

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

76-2014 A Resolution Authorizing The Acceptance Of The Plan Document Detailing The Benefits Afforded Under The Borough's Vision Benefit Program

WHEREAS, the Borough of Montvale (hereinafter, the Borough) provides an Employee Health Benefits Program consisting of medical, prescription, dental and vision benefits; and

WHEREAS, the Municipality self-administered the vision benefit and has determined, the process is cumbersome and would be best administered by a Third Party Administrator (TPA) versed and experienced in administering the benefit and adjudicating the claims thereof; and

WHEREAS, the Borough's Health Benefits Consultant (hereinafter, the HBC) performed due diligence in obtaining a TPA to perform such services and established, in concurrence with the Borough, that Insurance Design Administrators (IDA) provided the most competitive proposal for administering these claims on behalf of the Borough in accordance with the contractual and moral obligation of the Borough; and.

WHEREAS, the Borough engaged the services of IDA for the adjudication of vision benefits on a self-funded platform, effective 1/1/14 and as part of the scope of services, IDA was to provide a Plan Document to provide clarity and structure to the adjudication of such claims in accordance with the practices of the Borough, consistent with the contractual obligations.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, hereby accepts and ratifies the Plan Document for vision benefits, as developed by the TPA and reviewed and affirmed by the Health Benefits Consultant and annexed hereto and is recognized as the current Plan Document for vision benefits, until such time as a successor document(s) shall be qualified; and

BE IT FURTHER RESOLVED, the Governing Body hereby directs the Borough Administrative Officer/Borough Clerk to execute the necessary signature pages and coordinate the distribution of the plan design to all covered employees of the Borough; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to PIA Security Programs, 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Health Benefits Consultant to the Borough.

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

77-2014 A Resolution Authorizing the Execution of a Settlement Agreement Concerning the Litigation Captioned Borough of Park Ridge v. Borough of Montvale, et al., Docket No. BER-C-341-13

WHEREAS, the Borough of Park Ridge previously filed litigation against the Borough of Montvale, the Borough of Woodcliff Lake, the Bergen County Prosecutor's Office, and Matrix Consulting, Ltd., concerning the parties' respective legal rights and obligations surrounding a police consolidation feasibility study conducted by Matrix Consulting; and

WHEREAS, to avoid further expense and litigation, the parties have agreed to resolve all issues raised in the referenced action and all issues that could have been raised in the referenced action; and

WHEREAS, in exchange for mutual releases, this settlement shall include a payment by each of the three Boroughs to Matrix in the amount of \$7,000.00 in full satisfaction of all amounts owed to Matrix, on the condition and based upon the representation that the Bergen County Prosecutor's Office will relinquish any claim for the repayment of any and all monies previously reimbursed to the Boroughs for payments made to Matrix.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the Mayor and Borough Clerk are hereby authorized and empowered to execute all necessary documents to effectuate the settlement of the above-captioned litigation, subject to approval as to form by the Borough Attorney.

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

78-2014 A PROCLAMATION PROCLAIMING MAY 1, 2014 AS "KEEP KIDS ALIVE DRIVE 25 DAY®" IN THE BOROUGH OF MONTVALE

WHEREAS, KEEP KIDS ALIVE DRIVE 25® is a 501c3 non-profit organization working with police departments, public works departments, schools, businesses, neighborhood associations, and concerned citizens in communities across the country to decrease speeding in residential neighborhoods; and

WHEREAS, their mission is to educate people on the serious consequences of driving above the posted residential speed (typically 25mph or less), and encourage and remind everyone to drive at or below the legal limit; and

WHEREAS, KEEP KIDS ALIVE DRIVE 25® heightens public awareness and reminds motorists not to speed, as well as to obey to all traffic laws.

WHEREAS, KEEP KIDS ALIVE DRIVE 25® is encouraging communities to increase their efforts to inform the public about the speeding problem and the significant danger to children as summer approaches; and

WHEREAS, the organization is asking Borough of Montvale to join communities across the country in a significant national public awareness campaign kicking off on May Day, May 1, 2014; and

WHEREAS, they will assist our community in this effort by making available educational resources and ideas for hosting special events in neighborhoods, schools and businesses, etc.; and

WHEREAS, the goal of this awareness campaign is to save the lives of children and all pedestrians and cyclists in our community;

NOW THEREFORE, The Mayor & Council of the Borough of Montvale do hereby proclaim May 1, 2014 as KEEP KIDS ALIVE DRIVE 25® DAY in The Borough of Montvale.

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

79-2014 Authorize Release of Escrow/Block 1501/Lot 19.02/5 Quail Ridge Rd.

WHEREAS, the Borough Engineer, recommends the release and takes no exception to the release of the escrow funds posted for Block 1501/Lot 19.02 as all required inspections have been conducted; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale hereby release the remaining escrow funds in the amount of \$454.50 to Donald Watson, 5 Quail Ridge Road, Montvale, NJ 07645 ; 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

80-2014 Resolution Authorizing the Borough of Montvale to Join HGACBuy Through Execution of an Interlocal Agreement

WHEREAS, pursuant to P.L. 2011, c.139, the Borough of Montvale is authorized to enter into and utilize certain national cooperative purchasing contracts; and

WHEREAS, the Houston-Galveston Area Council (“H-GAC”) administers the HGACBuy program, a cooperative purchasing program that is available to local government units nationwide; and

WHEREAS, the terms and conditions of the HGACBuy program satisfy the requirements of New Jersey law concerning such national cooperative purchasing programs; and

WHEREAS, in order to utilize the provisions of a contract awarded by HGACBuy, the Borough of Montvale is required to enter into an interlocal agreement with H-GAC setting forth the terms and conditions of the Borough of Montvale’s participation in the HGABuy program; and

WHEREAS, the HGACBuy program does not charge the Borough of Montvale any type of membership or service fee; and

WHEREAS, the Borough of Montvale is desirous of entering into an interlocal agreement with H-GAC in order to utilize the contracts available under the HGACBuy program.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Montvale does hereby authorize and empower the Mayor and/or Borough Administrator to execute all necessary documents in order to implement the purpose of this resolution, subject to approval as to form by the Borough Attorney.

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

BILLS: Municipal Clerk read the Bill Report

Motion to pay bills by Councilmember Ghassali; seconded by Councilmember LaMonica - All ayes
Councilmember Cudequest abstained on bill # 00125

ENGINEER’S REPORT:

Andrew Hipolit

Report/Update

- a. Request Sanzari/Nottingham Manor/Request Borough Easement/Proposed Installation of Staircase Access To Municipal Parking Lot

- Proposed Walkway Access To Grand Avenue/Through 150 Nottingham Court/Montvale Commons Parking Lot

After a brief discussion with councilmembers, it was decided to contact Sanzari Corp to attend a future meeting to further discuss.

- b. Re-consideration/U.S. Soccer Foundation/Safe Place To Play Grant – June 1st Deadline

Not recommend at this time.

ATTORNEY REPORT:

Philip Boggia, Esq.

Report/Update

United Water NJ/BPU

Mr. Boggia gave a brief explanation, stating that a public comment hearing is requested by the court sometime in June.

UNFINISHED BUSINESS:

- a. Montvale Fire Department/Required Change In Titles/Via Resolution

The current ordinance needs to be amended.

- b. Borough of Hillsdale &The Township of RiverVale Notice of Motion For Stay Withdraw From Pascack Valley Reg. H.S.

- 1) Dept. of Education/2014-2015/Municipal Percentage Shares For Tax Levies Reg. School Districts & Districts Merged

- c. Decals/ "Keep Kids Alive, Drive 25"

After a brief discussion, it was decided by councilmembers to order the decals; a motion by Councilmember Curry to purchase 3,000 decals not to exceed \$5,000; seconded by Councilmember Cudequest – all ayes

NEW BUSINESS:

None

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 Cudequest; seconded by Councilmember Talarico – all ayes

Carol Mueller, 27 Hillcrest Ave

Ask for clarification regarding the pesticides that were applied around town by the DPW;

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

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

ADJOURNMENT

Meeting adjourned at 9:10pm

The next Meeting of the Mayor and Council will be held May 13, 2014 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk