

**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 - absent

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

Mayor Fyfe mentioned that he would like to go out of order of the items that are listed on the agenda, therefore he asked Victoria Tineen from The Sanzari Organization to start the meeting. The discussion was about the municipal parking lot, block 1601; Lot 14. The Sanzari organization is interested in developing the property. The property is currently owned by the Borough.

Rockland Built Homes, Inc. Subdivision / Request To Vacate Short Avenue / R. Mancinelli, Esq. & Engineer - they have an application submitted to the Planning Board for development of the land. The challenges of the site is the steep slopes. There will be disturbances to the steep slopes. By vacating Short Ave, the developer will make improvements for drainage and give more access for emergency vehicles. Councilmembers will think about the situation and make their decision at next meeting.

Overview/Update: Professional Insurance Associates (P.I.A.) Frank Covelli, Health Benefits Consultant/Borough Administration Health Benefits Update on Health Benefits Choices/The Borough's Membership In The Bergen Municipal Employee Benefits Fund (BMED) Frank Covelli stated that the BMED will now offer a few more options of plans for employees to choose from.

ORDINANCES:

PUBLIC HEARING OF ORDINANCE NO. 2014-1393 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 128, ZONING, OF THE BOROUGH OF MONTVALE CODE TO ESTABLISH A NEW AHS-ZONE, TO ESTABLISH THE STANDARDS THEREOF, AND TO IMPLEMENT CHANGES AND REVISIONS CONSISTENT WITH THE MASTER PLAN.

WHEREAS, pursuant to *N.J.S.A. 40:55D-62*, the Governing Body of a municipality is authorized and empowered to adopt and amend a Zoning Ordinance;

WHEREAS, pursuant to the aforesaid statute, amendments to a zoning ordinance shall either be substantially consistent with the land use plan element and the housing plan element of the

master plan or designed to effectuate such plan elements; and

WHEREAS, on September 2, 2014, the Planning Board of the Borough of Montvale adopted a Master Plan Reexamination Report (“the Report”); and

WHEREAS, one of the goals of the 2008 Master Plan and the Report is for the provision by the Borough of its fair share of affordable housing consistent with constitutional requirements and the Fair Share Housing Act; and

WHEREAS, the Report recommends the establishment of an Affordable Housing Senior Residential Zone (“AHS-Zone”) intended to apply to a portion of Lot 6 in Block 1606 as depicted on the Borough tax map; and

WHEREAS, the AHS District is intended to provide a realistic opportunity for the production of fourteen (14) dwelling units reserved for occupancy by low and moderate income senior and special needs households; and

WHEREAS, the Mayor and Council of the Borough of Montvale deem it necessary and appropriate to amend the Zoning Ordinance to effectuate the recommendations of the Report.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Montvale, in the County of Bergen, and State of New Jersey as follows:

Section 1.

Chapter 128 of the Code of the Borough of Montvale, Zoning, §128-2.1, Classes of Districts, is hereby amended and supplemented by adding the following new district:

AHS Affordable Housing Senior District

Section 2.

Chapter 128 of the Code of the Borough of Montvale, Zoning, §128-2.2, Zoning Map, paragraph A(1), is hereby amended to add the following new subparagraph:

(b) The Zoning Map is hereby amended and supplemented by adding a new AHS District on the list of Zoning Districts and by graphically amending the Zoning Map to show the following property in the AHS District: Block 1606, Lot 6.

Section 3.

Chapter 128 of the Code of the Borough of Montvale, Zoning, §128-5.11, Affordable Housing Districts For Third Fair Share Cycle, paragraph A, is hereby amended to add the following Affordable Housing District:

(5) AHS Affordable Housing Senior District

Section 4.

Chapter 128 of the Code of the Borough of Montvale, Zoning, §128-5.11, Affordable Housing Districts For Third Fair Share Cycle, is hereby amended to add a new paragraph G and to read as follows:

G. AHS – Affordable Housing Senior District

(1) Permitted principal uses.

(a) Apartments

(b) Community residences for the developmentally disabled as defined

in *N.J.S.A. 40:55D-66.2a*.

(2) Permitted accessory uses.

(a) Active and passive open space or recreation for use of residents

and their guests.

(b) Accessory uses and structures which are customary and incidental

to the principal permitted uses.

(3) Area, yard and bulk requirements.

Item

Required

Minimum lot area

20,000 square feet

Minimum lot width

200 feet

Minimum lot frontage

200 feet

Minimum lot depth	150 feet
Minimum building setbacks:	
Front yard	35 feet
Side yard	10 feet
Rear yard	35 feet
Minimum parking and driveway setback:	
Front property line	35 feet
Side property line	10 feet
Rear property line	5 feet
Maximum building height	2½ stories/35feet
Maximum building coverage	25%
Maximum lot coverage	65%
Maximum permitted density	16 units/acre

(4) Supplementary requirements.

(a) The minimum parking and driveway setback standard in §128-5.11G(3) above shall take precedence over those in §128-7.1E.

(b) Parking areas shall be screened in a manner as set forth in §128-7.1F.

(c) In recognition of the need to eliminate potential cost-generating off-site improvements associated with a one hundred (100%) percent affordable housing project, development in the AHS District shall be exempt from §128-7.1, I through K, and §128-9.4.

Section 5.

Upon approval of this Ordinance upon first reading by the Mayor and Council of the Borough of Montvale, this Ordinance shall be transmitted to the Planning Board for its review and recommendation pursuant to *N.J.S.A. 40:55D-26*.

Section 6. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section 7. Inconsistent Ordinances Repealed.

All ordinances or parts or ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 8. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

Ordinance No. **2014-1393** was introduced for second reading by Councilmember Curry; seconded by Councilmember Cudequest; Clerk read by title only
 Motion to open meeting to the public by Councilmember Cudequest; seconded by Councilmember Lane - 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 Ridgewood News by Councilmember Lane; seconded by Councilmember Ghassali; Clerk read by title only ----- A roll call vote was taken --- all ayes

MINUTES:

September 9, 2014

A motion to accept the minutes by Councilmember Cudequest; seconded by Councilmember Ghassali - all ayes except for Councilmember LaMonica abstained

RESOLUTIONS:

128-2014 Resolution Amending Resolution No. 71-2014/Bergen County Cooperative Curb Ramp Program/Concrete Construction Corporation

WHEREAS, the Governing Body of the Borough of Montvale adopted Resolution No. 71-2014 on April 8, 2014 and whereas an amendment from the County of Bergen Department of Public Works in the letter September 17, 2014 which is attached to this resolution; and

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 amended cost to Bergen County for the construction of the project is \$226,948.00 which is based on various locations within the Borough which have been approved by Bergen County; and

WHEREAS, The municipality shall submit a Bergen County voucher for reimbursement of 50% of the Engineer's cost estimate. The County of Bergen will reimburse construction inspection costs in the amount of 10% of the actual cost for curb ramps.

WHEREAS, the County of Bergen in an additional letter dated September 17, 2014 authorizes \$10,650.00 as an engineering design reimbursement to the Borough of Montvale; 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 \$226,948.00

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

129-2014 Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Terkuile Road Roadway Improvement Project.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Montvale formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Montvale Borough-00224 to the New Jersey Department of Transportation on behalf of the Borough of Montvale.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Montvale and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

130-2014 Authorize Release of Escrow/Block 401/Lot 1/& Bond/Marano

WHEREAS, the Borough Treasurer, recommends the release and takes no exception to the release of the escrow funds and bond posted for Block 401/Lot 1 as all 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 \$19.16 and a bond amount of \$778.00 for a total of \$797.16 to Michael Marano, 63 North Avenue, Montvale, NJ 07645; and

BE IT FURTHER RESOLVED, the Borough Treasurer hereby receives a copy of this resolution for processing.

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

131-2014 Change Order/Professional Service Contract / Legal Services / Borough Attorney / Boggia & Boggia

WHEREAS, the Borough of Montvale awarded a professional service contract on January 14, 2014 for Attorney Services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5*; and,

WHEREAS, Boggia & Boggia, 71 Mt. Vernon Street, Ridgefield Park, NJ 07660 was awarded a one year contract via Resolution No. 21-2014; and

WHEREAS, a change order is necessary in the amount of \$60,000.00 for additional expenses for legal services provided to the Borough of Montvale

BE IT RESOLVED FUTHER RESOLVED, the Certified Municipal Finance Officer has certified the availability of funds and said certification is attached to the original of this resolution; and

BE IT RESOLVED, A Notice of this action shall be printed once in the official newspaper of the Borough.

Introduced by: Councilmember Ghassali; seconded by Councilmember Lane - All ayes
Councilmember Ghassali asked for clarification about the change order

132-2014 A RESOLUTION REVISING THE BOROUGH OF MONTVALE FIELDS SCHEDULING AND FEES FOR FIELD USE EFFECTIVE 2014/2015

WHEREAS, Borough Owned Recreational Fields shall be scheduled by the Borough of Montvale Field Coordinator; and

WHEREAS, Montvale Athletic League (“MAL”) shall have first priority field scheduling use and shall be provide a schedule to the Field Coordinator no later than March 1st.

WHEREAS, MAL and churches are exempt from payment of fees relating to field use.

FIELD USE: 2014/2015

Field Use- Chestnut Ridge complex	\$ 200	Resident team
	\$ 400	Non-Resident team
Field Use-Memorial and FMS fields	\$ 200	Resident team
	\$ 500	Non-Resident team
	**Add 15% if lights are requested	
Resident Corporation One Day Field Use	\$ 200	(1 scheduled day plus 2 rain dates)
Non-Resident One Day Field Use	\$ 400	(1 scheduled day plus 2 rain dates)

Resident Corporation: Any company that owns or leases commercial within the borough.

Non-Resident Corporation: Any company that does not own or lease commercial space within the borough.

Residential Team: Any athletic team comprised of at least 75% of its roster with Montvale residents.

Non-Residential Team: Any team not having at least 75% of its roster filled with Montvale residents.

Time Slot: An uninterrupted 2 hour time period, or any part thereof, that a field is being used by an approved team.

Corporate Fees: Corporate fees paid to the borough for field use, whether resident corporation or non-resident corporation, will entitle the user to 1 field reservation time slot and up to 2 additional time slots that are designated as "rain dates".

Season: Spring season will begin March 1 and end July 31. Fall season will begin August 1 and end December 31.

No credit for unused Field Time Slots

All organizational (i.e. club team) play will be considered a non-resident teams.

WHEREAS, Arsenal Soccer Club Team shall pay the Borough of Montvale the amount of \$5,000 for the Spring/Summer and \$5,000 Fall Program 10 days prior to the commencement that specific season; and

WHEREAS, it is the Borough of Montvale's intention by the adoption of this resolution that if any prior established fee is in conflict with fee schedule the fees set forth in this fee schedule shall be the fees charged and any conflicting prior fee is hereby superseded, repealed and replaced with the fees adopted pursuant to this resolution.

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

133-2014 Appointment Regular Member / Montvale Fire Department / Matthew Connors

WHEREAS, the Montvale Fire Department is desirous of adding a regular member; and

WHEREAS, Matthew Connors of Montvale, NJ has been approved by the Board of Fire Commissioners and has undergone a satisfactory physical, pursuant to the attached application which has been made part of this resolution; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the appointment of Matthew Connors, as a Regular Member of the Montvale Fire Department, is hereby approved.

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

134-2014 Appointment Jr. Member / Montvale Fire Department / Brendan McLaughlin

WHEREAS, the Montvale Fire Department is desirous of adding a junior member; and

WHEREAS, Brendan McLaughlin of Montvale, NJ has been approved by the Board of Fire Commissioners and has undergone a satisfactory physical, pursuant to the attached application which has been made part of this resolution; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the appointment of Brendan McLaughlin, as a Jr. Member of the Montvale Fire Department, is hereby approved.

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

135-2014 Authorize Grant Agreement/Community Development/Sr. Citizens Activities/ PS-MONTSR14

BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$4,000.00 in the years 2014/2015 Community Development Block Grant funds for Senior Citizen Activities within the Borough of Montvale; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Roger J. Fyfe, Mayor, to be a signatory for the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Maureen Iarossi-Alwan, Borough Administrator to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognized that the Borough of Montvale is liable for any funds not spent in accordance with the Grant Agreement, and that liability of the Mayor and Council is in accordance with HUD requirements.

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

136-2014 Tax Court Settlement / Block 2903, Lot 11 / 2 Surrey Lane / Stephanie Zak

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Stephanie Zak (hereinafter the "Tax Appeal"), under Docket Number 013320-2013, and;

WHEREAS, the aforesaid tax appeal involves a residential property located at 2 Surrey Lane, and is otherwise referred to as Block 2903 Lot 11 on the tax assessment maps of the Borough (hereinafter the "subject property"), and;

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel and the Borough Tax Assessor, and;

WHEREAS, the proposed Tax Appeal settlement would adjust the subject properties' 2013 tax assessment to \$800,000, and;

WHEREAS, the provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") shall be applicable to the terms of this settlement, and;

WHEREAS, it is in the best interest of the Borough of Montvale to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the settlement of the aforesaid Tax Appeal be hereby approved, and;

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Borough Administrator, Tax Appeal Attorney and/or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

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

137-2014 Authorize Payment #3/2014 Road Improvement Program/A.J.M. Contractors

WHEREAS, on September 9, 2014 payment #1 & 2 where hereby authorized by Resolution No. 126-2014 for the contract awarded by Resolution No. 87-2014 on May 27, 2014 in the amount of \$598,349.00 to AJM Contractors, 300 Kuller Road, Clifton, NJ 07011 for the following:

Base Bid "A"	\$332,124.00
Base Bid "B"	\$266,225.00
TOTAL	\$598,349.00

WHEREAS, the Borough Engineer, in a letter dated September 25, 2014 attached to the original of the resolution takes no exception to Payment No. 3 in the amount of \$24,646.00 for work currently completed; 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 #3 in the amount of \$24,696.00 be authorized and paid to AJM Contractors.

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

138-2014 Authorize Release of Escrow/Block 1601/Lot 24/Vinari Enterprises, LLC

WHEREAS, the Borough Engineer, recommends the release and takes no exception to the release of the escrow funds posted for Block 1601/Lot 24 as all 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 \$1,809.05 plus interest in a check made payable to Vincent Giambona, 15 Grand Avenue West, Montvale, NJ 07645 for Vinari Enterprises, LLC; and

BE IT FURTHER RESOLVED, the Borough Treasurer hereby receives a copy of this resolution for processing.

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

139-2014 Authorize Payment #3/Final Payment/Change Order #1/Magnolia Roadway Improvements/A.J.M. Contractors, Inc.

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 original amount of \$134,659,75 to include Alternate A to A.J.M. Contractors, Inc.; and

WHEREAS, the Borough Engineer, in a letter dated September 25, 2014 attached to the original of the resolution takes no exception to Payment No. 3 Final and Change Order No. 1 Final in the amount of \$1,433.65; and

WHEREAS, the Borough Engineer in the attached letter dated September 25, 2014 attached to this resolution provides a detail of the Final Change Order which details the increases, decreases, and additional project costs associated with this project which reflects a reduction in the overall cost of the project of \$14,575.02 decrease from the awarded contract amount; and

WHEREAS, the final project cost is \$120,084.73; and

WHEREAS, the contractor must submit a maintenance bond in the amount of \$18,012.71 for two years August 2014 – August 2016 prior to issuance of payment

NOW, THEREFORE BE IT RESOLVED by the Borough of Montvale as follows:

- 1) Final Payment/Change Order in the amount of \$1,433.65 is hereby paid to A.J.M. Contractors, Inc. 300, Kuller Road, Clifton, NJ 07011 after a maintenance bond has been submitted.

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

BILLS: Municipal Clerk read the Bill Report

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

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

a. Status of 2014 Road Improvement Program

Micro surfacing portion will start on Monday;

b. 37 Eagle Ridge Road/Libock/Property/Water Drainage

The current owner disturbed the water drainage easement, therefore the borough is obligated to notify the DEP of a potential violation.

ATTORNEY REPORT:

Philip Boggia, Esq.

Report/Update

Update / Litigation / DePieros Farm and A & P

Trial is set to start Monday, October 6

UNFINISHED BUSINESS:

Councilmember Cudequest asked if the lightning detection system has been repaired; Councilmember LaMonica gave councilmembers an updated proposed tree ordinance for all to look over for further discussion; Also Councilmember LaMonica mentioned that the shuttle bus service is coming to an end and to keep the current service the County will charge all three boroughs \$130,000 a year.

NEW BUSINESS:

a. Boy Scout Troop 334 / Store Trailer at Recycle Center

Councilmembers agreed to allow it

b. Request Permission to attend NJ League of Municipalities Conference/ Nov 18-21

- Fran Scordo
- Lorraine Hutter
- Mike Leposky

Councilmembers granted permission to attend conference

c. Discussion / Proposed Bow and Arrow Ordinance

It was brought to the attention of councilmembers by the Police Chief that the current ordinance about fire arms does not include bow and arrows; therefore it was suggested to have the Mr. Boggia amend the ordinance for next meeting.

d. Discussion / Employees / Emergency Services

Tri-boro ambulance is experiencing lack of daytime coverage from their volunteers and has reached out to the corporations to see if they have experienced EMT's that can cover during the daytime hours, this will also include borough employees as well. Councilmembers were all in agreement.

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 Ghassali – all ayes

Clint Miller, Fire Chief

Mentioned that enrollment has increased and the Chief is requesting to purchase additional turn-out gear. Also the firehouse committee will be meeting with the architect this week.

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

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

ADJOURNMENT

Meeting adjourned at 9:29pm

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

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk