

**PUBLIC MEETING  
MINUTES**

The Public 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. 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.; 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

Kenneth Sesholtz/Certified Municipal Finance Officer  
Review/State of NJ Dept. of Community Affairs/Best Practices CY2014/SFY2015

- 1) Internal Accounting Control Process/Distribution/Accounting Manual
- 2) Procurement Card Program/Discussion

Mayor Fyfe gave a brief explanation regarding the NJ Department of Community Affairs Annual Best Practices checklist that each municipality is required to file; there are quite a few questions, and the State only allows so many No answers. The borough must comply in order to keep receiving State Aid. One of the questions is about having a borough credit card; all councilmembers are in agreement, no credit card is needed; another question refers to having an appointed finance committee, councilmembers agreed, an appointment will be made at the 2015 re-organization meeting.

**ORDINANCES:**

**INTRODUCTION ORDINANCE NO. 2014-1394** AN ORDINANCE FURTHER RESTRICTING THE MAXIMUM VALUE OF A CONTRACT THAT MAY BE AWARDED PURSUANT TO A NON-FAIR-AND-OPEN PROCESS UNDER THE CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING ACT IN THE BOROUGH OF MONTVALE

(public hearing 10/28/2014)

A motion to Introduce Ordinance **2014-1394** for first reading was made by Councilmember Curry; seconded by Councilmember Cudequest; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Ridgewood News; seconded by Councilmember Cudequest - A roll call was taken – all ayes

**INTRODUCTION ORDINANCE NO. 2014-1395** AN ORDINANCE AMENDING CHAPTER 51 OF THE CODE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, TO REGULATE THE DISCHARGE OF BOWS AND ARROWS IN THE BOROUGH OF MONTVALE

(public hearing 10/28/2014)

A motion to Introduce Ordinance **2014-1395** for first reading was made by Councilmember Curry; seconded by Councilmember Cudequest; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Ridgewood News; seconded by Councilmember Curry - A roll call was taken – all ayes

**INTRODUCTION ORDINANCE NO. 2014-1396** AN ORDINANCE AMENDING CHAPTER 48, "GASOLINE STATIONS," OF THE CODE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, TO REVISE GAS STATION LICENSING FEES

(public hearing 10/28/2014)

A motion to Introduce Ordinance **2014-1396** for first reading was made by Councilmember Curry; seconded by Councilmember Cudequest; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Ridgewood News; seconded by Councilmember Curry - A roll call was taken – all ayes  
Councilmember Cudequest asked what were the new fees going to be.

**MEETING OPEN TO PUBLIC:**

Agenda Items Only

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

Chuck Wehrle, 26 Old Chestnut Ridge Road

Is there a need for the bow and arrow ordinance; Mayor Fyfe responded by saying that the ordinance is to encourage responsible use of a bow and arrow

John Schmidt, 4 Meadow Lane

Maybe the distance of 450 feet can be adjusted

Joanne Mills, Bergen Bow and Archery Club

Ms. Mills gave out facts about archery which will be included with the original minutes; after a brief discussion, Mayor Fyfe suggested that Ms. Mills submit a letter with suggestions and recommendations to amend the proposed ordinance that was introduced tonight.

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

**MEETING CLOSED TO PUBLIC:**

Agenda Items Only

**MINUTES:**

September 30, 2014

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

**RESOLUTIONS:**

**140-2014 Authorize Release of Cash Bond/Escrow/Rockland Built Homes/Block 605/Lots 17&18**

**WHEREAS**, Rockland Built Homes, 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 October 2, 2014 which is attached to the original of this resolution; and **WHEREAS**, the Borough Engineer recommends release the cash bond in the amount of \$1,929.60 and escrow in the amount of \$427.85; and **NOW THEREFORE BE IT FUTHER RESOLVED**, The Borough Treasurer receives a copy for processing.

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

**141-2014 Authorize Release of Cash Bond/Escrow/Montvale Properties/Block 1902/Lot 12**

**WHEREAS**, Montvale Properties, 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 October 6, 2014 which is attached to the original of this resolution; and **WHEREAS**, the Borough Engineer recommends release the cash bond in the amount of \$22,068.00 and escrow in the amount of \$16,465.03; and **NOW THEREFORE BE IT FUTHER RESOLVED**, The Borough Treasurer receives a copy for processing.

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

**142-2014 Authorize Agreement With Bergen Municipal Employees Benefit Fund Indemnity & Trust Agreement**

THIS AGREEMENT made this 14<sup>th</sup> day of October, 2014, in the County of Bergen, State of New Jersey, By and Between the **Bergen Municipal Employee Benefits Fund** referred to as "FUND" and the governing body of the Borough of Montvale a duly constituted LOCAL UNIT OF GOVERNMENT, hereinafter referred to as "LOCAL UNIT".

**WITNESSETH:**

**WHEREAS**, the governing bodies of various local units of government, as defined in N.J.A.C. 11:15-3.2, have collectively formed a Joint Insurance Fund as such an entity is authorized and described in N.J.S.A. 40A:10-36 et. seq. and the administrative regulations promulgated pursuant thereto; and **WHEREAS**, the LOCAL UNIT has agreed to become a member of the FUND in accordance with and to the extent provided for in the Bylaws of the FUND and in consideration of such obligations and benefits to be shared by the membership of the FUND; **NOW THEREFORE**, it is agreed as follows:

1. The LOCAL UNIT accepts the FUND's Bylaws as approved and adopted and agrees to be bound by and to comply with each and every provision of said Bylaws and the pertinent statutes and administrative regulations pertaining to same.
2. The LOCAL UNIT agrees to participate in the FUND with respect to health insurance, as defined in N.J.S.A. 17B:17-4, and as authorized in the LOCAL UNIT's resolution to join.
3. The LOCAL UNIT agrees to become a member of the FUND and to participate in the health insurance coverages offered for an initial period, (subject to early release or termination pursuant to the Bylaws), such membership to commence on **January 1, 2015** and ending on **December 31, 2017** at 12:01 AM provided, however, that the LOCAL UNIT may withdraw at any time upon 90 day written notice to the FUND.

4. The LOCAL UNIT certifies that it has never defaulted on payment of any claims if self-insured and has not been cancelled for non-payment of insurance premiums for a period of at least two (2) years prior to the date of this Agreement.

5. In consideration of membership in the FUND, the LOCAL UNIT agrees that it shall jointly and severally assume and discharge the liability of each and every member of the FUND, for the periods during which the member is receiving coverage, all of whom as a condition of membership in the FUND shall execute an Indemnity and Trust Agreement similar to this Agreement and by execution hereto, the full faith and credit of the LOCAL UNIT is pledged to the punctual payments of any sums which shall become due to the FUND in accordance with the Bylaws thereof, this Agreement or any applicable Statute. However, nothing herein shall be construed as an obligation of the LOCAL UNIT for claims and expenses that are not covered by the FUND, or for that portion of any claim or liability within the LOCAL UNIT retained limit or in an amount which exceeds the FUND's limit of coverage.

6. If the FUND in the enforcement of any part of this Agreement shall incur necessary expenses or become obligated to pay attorney's fees and/or court costs, the LOCAL UNIT agrees to reimburse the FUND for all such reasonable expenses, fees, and costs on demand.

7. The LOCAL UNIT and the FUND agree that the FUND shall hold all moneys in excess of the LOCAL UNIT's retained loss fund paid by the LOCAL UNIT to the FUND as fiduciaries for the benefit of FUND claimants all in accordance with N.J.A.C. 11:15-3 et. seq.

8. The FUND shall establish and maintain Claims Trust Accounts for the payment of health insurance claims in accordance with N.J.S.A. 40A:10-36 et. seq., N.J.S.A. 40A:5-1 and such other statutes and regulations as may be applicable. More specifically, the aforementioned Trust Accounts shall be utilized solely for the payment of claims, allocated claim expense and stop loss insurance or reinsurance premiums for each risk or liability as follows:

- a) Employer contributions to group health insurance
- b) Employee contributions to contributory group health insurance
- c) Employer contributions to contingency account
- d) Employee contributions to contingency account
- e) Other trust accounts as required by the Commissioner of Insurance

9. Notwithstanding 8 above, to the contrary, the FUND shall not be required to establish separate trust accounts for employee contributions provided the FUND provides a plan in its Bylaws for the recording and accounting of employee contributions of each member.

10. Each LOCAL UNIT of government who shall become a member of the FUND shall be obligated to execute an Indemnity and Trust Agreement similar to this Agreement.

**BERGEN MUNICIPAL EMPLOYEE BENEFITS FUND**

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

**143-2014 Authorize Bergen Municipal Benefits Fund To Renew Membership**

**WHEREAS**, a number of public entities in the State of New Jersey have joined together to form the **Bergen Municipal Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

**WHEREAS**, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

**WHEREAS**, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

**WHEREAS**, the governing body of The Borough of Montvale, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
  - a.) Health Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

**BE IT FURTHER RESOLVED** that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

**Bergen Municipal Employee Benefits Fund**

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

**144-2014 Authorizing Refund of Redemption of Tax Sale Certificate #11-00003 for Block 904;Lot 7 / 6 Heather Ridge Lane**

**WHEREAS**, at the Municipal Tax Sale held on October 25, 2012, a lien was sold on Block 904, Lot 7, also known as 6 Heather Ridge Lane, for 2011 delinquent taxes; and,  
**WHEREAS**, this lien, known as Tax Sale Certificate #11-00003, was sold to Ebury Fund 1 NJ, LLC, for a 0% redemption fee and a \$60,000.00 premium; and  
**WHEREAS**, JP Morgan Chase has effected redemption of Tax Sale Certificate #11-00003 in the amount of \$129,045.35; 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 Tax Collector be and is hereby authorized to Redeem Certificate #11-00003 and send payment of \$129,045.35 to TFS as Custodian for Ebury Fund 1 NJ, LLC, PO Box 37695, Baltimore, MD 21297-3695 and  
**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$60,000.00 (premium) to the aforementioned lien holder.

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

**145-2014 Special Item of Revenue & Appropriations-Chapter 159/ADA Curb Ramp/Construction**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and  
**WHEREAS**, said Director may also approve the insertion of an item appropriation for an equal amount, and  
**WHEREAS**, the Borough of Montvale has been awarded \$226,948.00 from the County of Bergen and wishes to amend its 2014 budget to include this amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Montvale hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$226,948.00 which is now available as a revenue from:

- Miscellaneous Revenues:
  - Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
  - Public and Private Revenues Off-Set with Appropriations:
    - County of Bergen – Department of Public Works:
      - ADA Curb Ramp Improvements - Construction, and

**BE IT FURTHER RESOLVED** that a like sum of \$226,948.00 be and hereby appropriated under the caption of:

- General Appropriations
  - (a)Operations Excluded from "CAPS"
    - Public and Private Programs Off-Set by Revenues:
      - County of Bergen – Department of Public Works:
        - ADA Curb Ramp Improvements - Construction

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

**146-2014 Special Item of Revenue & Appropriations-Chapter 159/ADA Curb Ramp/Design**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item appropriation for an equal amount, and

**WHEREAS**, the Borough of Montvale has been awarded \$10,650.00 from the County of Bergen and wishes to amend its 2014 budget to include this amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Montvale hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$10,650.00 which is now available as a revenue from:

- Miscellaneous Revenues:
  - Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
  - Public and Private Revenues Off-Set with Appropriations:
    - County of Bergen – Department of Public Works:
      - ADA Curb Ramp Improvements - Design, and

**BE IT FURTHER RESOLVED** that a like sum of \$10,650.00 be and hereby appropriated under the caption of:

- General Appropriations
  - (a)Operations Excluded from "CAPS"
    - Public and Private Programs Off-Set by Revenues:
      - County of Bergen – Department of Public Works:
        - ADA Curb Ramp Improvements - Design

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

**147-2014 Award Professional Service Contract / Legal Services / Robert T. Regan. Esq. Affordable Senior Housing Complex/11 East Grand Avenue/School #2**

**WHEREAS**, the Borough of Montvale has a need to acquire Legal 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**, Robert T. Regan, 325 Kinderkamack Road, Westwood, NJ 07675 will be providing Legal Services in connection with the development of an affordable senior housing complex at the site of "School #2" know as 11 East Grand Avenue, identified as Block 1606, Lot 6 within the Borough of Montvale ; and

**WHEREAS**, the Certified Municipal Finance Officer has certified the availability of funds; and,

**WHEREAS**, Robert T. Regan, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Borough of Montvale in the previous one year, and that the contract will prohibit Robert T. Regan, Esq. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Local Public Contracts Law (*N.J.S.A. 40A:111 et seq.*) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the Contract itself must be available for public inspection;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale as follows:

1. The Mayor and Municipal Clerk of the Borough of Montvale are hereby authorized and directed to execute the a contract with Robert T. Regan for legal services Robert T. Regan.

2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with *N.J.S.A. 40A:11-5(1)(a)* of the Local Public Contracts Law because the services are to be performed by a person authorized by law to practice a recognized profession.

3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

4. A Notice of this action shall be printed once in the official newspaper of the Borough.

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

**148-2014 Authorize Release of Cash Bond & Escrow/Metropolitan Homes Development Corporation/Block 302/Lot 13**

**WHEREAS**, Metropolitan Homes Development Corp, 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 October 10, 2014 which is attached to the original of this resolution; and

**WHEREAS**, the Borough Engineer recommends release the cash bond and escrow in the amount of \$41,960.38; and

**WHEREAS**, a Maintenance Bond for this project shall be posted in the amount of \$4,980.00 for a two year period; and

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

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  
Councilmember Cudequest abstained on bill #001252, #00502 and #00135

**REPORT OF REVENUE:** Municipal Clerk read the Report of Revenue

**COMMITTEE REPORTS:**

**Councilmember Lane**

Fire Dept

11 calls, 2 drills and 2 extra credits; the firehouse committee met with the architect; Councilmember Lane would like to schedule when the architect can attend a council meeting; October is fire prevention month; encouraged the public to volunteer

DPW

32 phone calls from residents; Continuing filling in potholes; maintaining the fields; maintenance of all buildings; Councilmember Lane requested to have DPW Superintendent attend the next public meeting in December

**Councilmember Talarico**

Police

Monthly report included in original minutes

Tri-Boro

35 calls; 484 miles; 41 hours; 20 crew hours all by Montvale

**Councilmember Cudequest**

Environment Commission

Meeting of October 20 has been cancelled

Regional BOE

This Saturday, October 18<sup>th</sup> , Pascack Hills HS will be celebrating its 50<sup>th</sup> anniversary at the high school from 12-3pm.

**Councilmember LaMonica**

Seniors

Bus trip to Mount Haven Pennsylvania

Chamber of Commerce

Street Fair has been scheduled for June 7, 2015; a few more networking events will be scheduled this fall and also their Holiday Party as well

Tri-Boro Shuttle

Steady and consistent

**Councilmember Curry**

Local Board of Ed

Next meeting is October 20th

Board of Health

Next meeting is November 3; once again the flu clinic was successful

Recreation

Annual Halloween Carnival is scheduled for October 24

**Councilmember Ghassali**

No report

**Mayor Fyfe**

**Library**

12,074 circulation; 38 library cards issued; Most successful book sale

Tri-Boro ambulance is in need of daytime volunteers. The borough has agreed to allow employees who are EMT's to volunteer during daytime hours; Mayor Fyfe will be discussing this situation with some of our corporate neighbors

Rockland Electric has been working to put some wiring underground on Mercedes Drive and Phillips Parkway

**Status 2014 Road Improvement Program**

Micro paving is still ongoing

**ATTORNEY REPORT:**

Joe Voytus, Esq.

Report/Update

No Report

**UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

- a. Request Street Name/Reserve At Montvale

After a brief discussion, councilmembers will continue to go over the list of suggested street names by the Historic Committee

- b. 1 Paragon Drive/ Request Permission to Work extended ours/ Parking Lot Paving

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

- c. Fire Hydrants

Councilmember Curry mentioned that it was previously mentioned regarding residents that have fire hydrants on or near their property and to have them clear away the snow. Part of the discussion suggested flyers to be sent reminding them of that. Fire Chief will look into it.

**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.

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

NO PUBLIC COMMENT

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

**MEETING CLOSED TO THE PUBLIC:**

**ADJOURNMENT** The next Meeting of the Mayor and Council will be held October 28, 2014 at 7:30 p.m.

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

Meeting was adjourned at 9:00pm

**Respectfully submitted, Fran Scordo, Deputy Municipal Clerk**