

**MINUTES  
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:45pm. 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 - absent  
Councilmember Curry  
Councilmember Ghassali

Councilmember LaMonica - absent  
Councilmember Lane  
Councilmember Talarico

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

**ORDINANCES:**

**PUBLIC HEARING OF ORDINANCE NO. 2014-1397** AN ORDINANCE TO PROVIDE FOR THE PRESERVATION OF TREES THROUGHOUT THE BOROUGH OF MONTVALE AND AMENDING CHAPTER 128 IN THE BOROUGH CODE ENTITLED "ZONING"  
*(Montvale Planning Board Recommendation)*

Ordinance No. **2014-1397** 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 Lane; seconded by Councilmember Talarico  
- all ayes

**NO PUBLIC COMMENT**

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

Upon the recommendations of the Planning Board, it is suggested to withdraw this ordinance until further amendments can be made. A motion to withdraw by Councilmember Talarico; seconded by Councilmember Ghassali – a roll call was taken – all ayes

**MINUTES:**

December 9, 2014

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

**RESOLUTIONS:**

**161-2014 CD Cooperative Agreement/Appointing Two Representatives To Community Development Committee/One Appointment By Mayor/One Appointment By Council**

**WHEREAS**, the Borough of Montvale has entered into a Three-Year Cooperative Agreement with the County of Bergen as provided under the Interlocal Service Act , NJSA 40A:8A-1 et seq. and Title I of the Housing and Community Development Act of 1974; and

**WHEREAS**, said Agreement requires that one Municipal Representative be appointed by the Governing Body of the community and one appointment by the Chief Executive Officer shall be appointed to be part of the Community Development Regional Committee for the term of one year July 1, 2014 through June 30, 2015.

**NOW THEREFORE BE IT RESOLVED**, that the Governing Body/Chief Executive Officer of the Borough of Montvale appoints representatives as its representative to participate on the Community Development Committee:

**COUNCIL APPOINTMENT**

Maureen Iarossi-Alwan  
12 Mercedes Drive  
Montvale, NJ 07645  
Phone 201-391-5700 ext. 219

**CHIEF EXECUTIVE OFFICER APPOINTMENT**

Councilmember Leah LaMonica  
12 Mercedes Drive  
Montvale, NJ 07645  
Phone 201-391-5700

**BE IT FURTHER RESOLVED**, that the following be appointed alternate representatives:

**COUNCIL ALTERNATE APPOINTMENT**

Councilmember Theresa Cudequest  
12 Mercedes Drive  
Montvale, NJ 07645  
Phone 201-391-5700

**CHIEF EXECUTIVE OFFICER ALTERNATE APPOINTMENT**

Councilmember Timothy Lane  
12 Mercedes Drive  
Montvale, NJ 07645  
Phone 201-391-5700

Home addresses and home phone numbers will be provided under separate cover.

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

**162-2014 Appointing / Probationary Montvale Police Officer/John P. Guico**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that John Guico be and is hereby appointed as a 12 month Probationary Police Officer with the Borough of Montvale Police Department; and

**BE IT RESOLVED**, the effective date of employment is January 5, 2013.

**BE IT FURTHER RESOLVED**, Officer Guico will be placed on paid administrative leave for the duration of his time assigned for recruit training January 2015 through his graduation date of March 2015.

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

**163-2014 Refund of Tax Overpayment / Duplicate Payment**

**WHEREAS**, a resolution authorizing this municipality to refund overpayment of taxes for Block 2509, Lot 35.02, 4A Arthur Court located in the Borough of Montvale, and

**WHEREAS**, due to a duplicate payment which resulted in an overpayment in the amount of \$4,309.29; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to refund overpayment of taxes, in the amount of \$4309.29 to Chase Bank, P O Box 961227, Ft. Worth, Texas 76161-0227, Attn. Refund Dept.

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

**164-2014 Authorizing Refund of Redemption of Tax Sale Certificate #13-00004 for Block 2601; Lot 32.04 / 5 Cider Mill Court**

**WHEREAS**, at the Municipal Tax Sale held on October 23 2014, a lien was sold on Block 2601, Lot 32.04, also known as 5 Cider Mill Court, for 2013 delinquent taxes; and,

**WHEREAS**, this lien, known as Tax Sale Certificate #13-00004, was sold to Stonefield Investment Fund 3, LLC, for a 0% redemption fee and a \$37,500.00 premium; and

**WHEREAS**, Woodmont Properties has effected redemption of Tax Sale Certificate #13-00004 in the amount of \$28,191.89; 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 #13-00004 and send payment of \$28,191.89 to

Stonefield Investment Fund 3, LLC, 21 Robert Pitt Drive, Suite 202, Monsey, NY 10952; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to issue a check in the amount of \$37,500.00 (premium) to the aforementioned lien holder.

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

**165-2014 Appointing / Permanent Montvale Police Officer / Matthew Vladick**

**WHEREAS**, Matthew Vladick has successfully completed a twelve (12) month probationary period; and

**WHEREAS**, Chief Abrams has recommended Officer Vladick for permanent appointment.

**NOW, THEREFOR BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey that Matthew Vladick is hereby permanently appointed to the Montvale Police Department, effective December 19, 2014.

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

**166-2014 Appointing / Permanent Montvale Police Officer / Eric Robalino**

**WHEREAS**, Eric Robalino has successfully completed a twelve (12) month probationary period; and

**WHEREAS**, Chief Abrams has recommended Eric Robalino for permanent appointment.

**NOW, THEREFOR BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey that Eric Robalino is hereby permanently appointed to the Montvale Police Department, effective December 19, 2014.

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

**167-2014 A Resolution Adopting Special Traffic Regulations Concerning the Parking, Running and Idling of Commercial Trucks on Upper Saddle River Road Pursuant to N.J.S.A. 39:4-197.3 and Borough Code Restrictions on Loud and Unnecessary Noise**

**WHEREAS**, Montvale Code § 68-1 prohibits “any unnecessary, loud, prolonged or disturbing noise within the limits of the Borough of Montvale”; and

**WHEREAS**, such prohibited noises include, but are not limited to, the “use, operation or running of any automobile, ...mechanical equipment or vehicle... in such manner as to create loud of unnecessary grating, grinding, rattling or other noise, whether upon the streets or highways or adjacent thereto”; and

**WHEREAS**, such prohibited noises further include the “erection (including excavating), demolition, alteration or repair of any building” except between the hours of 7:00 a.m. and sunset on weekdays, 9:00 a.m. and sunset on Saturday, and at all times on Sunday; and

**WHEREAS**, N.J.S.A. 39:4-197.3, municipalities are permitted to adopt resolutions declaring that an emergency or temporary condition dictates the adoption of special traffic regulations within the

scope of *N.J.S.A. 39:4-197* and provide for such special traffic regulation for a period not longer than three months; and

**WHEREAS**, the scope of *N.J.S.A. 39:4-197* includes the right to adopt restrictions “[r]egulating the parking of vehicles on streets and portions thereof”; and

**WHEREAS**, the governing body has determined that the parking, idling and running of certain commercial vehicles on Upper Saddle River Road in the Borough of Montvale outside of the permitted construction times in the Borough has created a loud and unnecessary temporary disturbance to the residents located on Upper Saddle River Road necessitating special traffic regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale that the governing body hereby declares that an emergency and temporary condition on Upper Saddle River Road in the Borough of Montvale necessitates the adoption of special traffic regulations; and

**BE IT FURTHER RESOLVED** that the Mayor and Council of the Borough of Montvale do further find that the parking, idling and running of commercial vehicles on Upper Saddle River Road between the hours of midnight and 7:00 a.m. has created loud and unnecessary noises that are properly prohibited by the Borough Code; and

**BE IT FURTHER RESOLVED** that pursuant to the authority granted by the Borough Code and the New Jersey Statutes, including but not limited to *N.J.S.A. 39:4-197* and *N.J.S.A. 39:4-197.3*, that a special traffic regulation is hereby implemented, prohibiting the parking of commercial vehicles along the length of Upper Saddle River in the Borough of Montvale between the hours of midnight and 7:00 a.m.; and

**BE IT FURTHER RESOLVED** that this special traffic regulation shall be effective January 1, 2015, and shall remain in effect until April 1, 2015, except as it may be otherwise modified by the Borough; and

**BE IT FURTHER RESOLVED** that the Police Department is hereby authorized to enforce this regulation by towing and/or fines not to exceed \$250.00 per occurrence; and

**BE IT FURTHER RESOLVED** that the Police Department and the Pascack Valley Department of Public Works are hereby authorized to place appropriate signage to inform the public of this special traffic regulation, consistent with the requirements of *N.J.S.A. 39:4-198*.

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

**168-2014 Transfer Of Appropriations**

**WHEREAS**, certain transfer of funds for various 2014 budget appropriations are necessary to cover anticipated expenditures; and

**WHEREAS**, *N.J.S.A. 40A:4-58* provides for transfers from appropriations with an excess over and above the amount deemed to be necessary to fulfill the purpose for such appropriations, to those appropriations deemed to be insufficient;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale, that the transfers be made between the 2014 budget appropriations as follows:

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
General Appropriations		
Operations – Within “CAPS”		
Police:		
Salaries and Wages	\$2,500.00	
Police:		
Other Expenses		\$2,500.00
Engineering Services and Costs:		
Other Expenses	2,000.00	

Municipal Services Act:

Other Expenses	\$4,500.00	2,000.00
		\$4,500.00

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

**169-2014 Cancellation Of 2013 Current Fund Appropriation Reserve**

**WHEREAS**, there exists an unexpended 2013 Current Fund budget appropriation reserve balance; and

**WHEREAS**, it is necessary to formally cancel said balance so that the unexpended balance may be credited to surplus;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the following unexpended 2013 Current Fund budget appropriation reserve balance be cancelled:

**GENERAL APPROPRIATIONS**

Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues

Municipal Alliance Program \$4,073.35

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

**170-2014 Cancellation Of Improvement Authorizations**

**WHEREAS**, there exists unexpended improvement authorization balances on the balance sheet of the General Capital Fund; and

**WHEREAS**, the unexpended improvement authorization balances remain dedicated to projects now completed or the balances are determined to be in excess of the amounts necessary for the completion of the projects; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be credited to reserve for payment of debt or fund balance;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the following unexpended improvement authorization balances be cancelled:

**GENERAL CAPITAL FUND:**

<u>ORDINANCE</u>	<u>DESCRIPTION</u>	<u>FUNDED</u>	<u>UNFUNDED</u>
2002-1178	Various Improvements – Recreation Fields	\$1,527.50	
2013-1380	Acquisition of Various Equipment for the Volunteer Fire Department	1,555.24	
		\$3,082.74	\$0.00
		=====	====

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

**171-2014 Cancellation Of Prior Year Outstanding Check**

**WHEREAS**, There exists an outstanding check from the prior year drawn against the General Checking Account; and

**WHEREAS**, it has been determined that the outstanding check from the prior year be cancelled to Current Fund surplus;

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, that the following outstanding check from the prior year be cancelled:

**GENERAL CHECKING**

<u>DATE</u>	<u>CHECK NUMBER</u>	<u>AMOUNT</u>	<u>FUND</u>	<u>ACCCOUNT</u>
02/12/13	7206	\$46.50	Current	Surplus

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

**172-2014 Cancellation Of Various Balances**

**WHEREAS**, there exists certain receivable and reserve balances on the Current Fund balance sheet of the Borough of Montvale; and

**WHEREAS**, the funds creating these receivable and reserve balances have been investigated, and it has been determined that these receivable and reserve balances should be cancelled; and

**WHEREAS**, it is necessary to formally cancel said balances so that the uncollected receivable balances may be charged to fund balance and the reserve balance may be credited to fund balance;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the following receivable and reserve balances from the Current Fund be cancelled:

<u>Current Fund</u>	<u>&lt;CHARGES&gt;/CREDITS</u>
Grants Receivable:	
Municipal Alliance Program - 2013	<\$5,645.31>
Municipal Alliance Program – 2014	<4,938.00>
N.J. Department of Transportation:	
Akers Avenue	<7,422.33>
	<\$18,005.64>
	=====
Reserve for Grants – Appropriated:	
N.J. Department of Transportation:	
Akers Avenue	\$10,880.28
	=====

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

**173-2014 Cancellation Of 2014 Current Fund Appropriation**

**WHEREAS**, there exists an unexpended 2014 Current Fund budget appropriation balance; and

**WHEREAS**, it is necessary to formally cancel said balance so that the unexpended balance may be credited to surplus;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the following unexpended 2014 Current Fund budget appropriation balance be cancelled:

**GENERAL APPROPRIATIONS**

Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues

Municipal Alliance Program           \$4,938.00

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

**174-2014 Authorize Payment # 1 / Valley View Pump Station / National Water Main Cleaning Co.**

**WHEREAS**, The Borough of Montvale awarded a contract via Resolution No. 93-2014 on June 10, 2014 for services in connection with the Sanitary Sewer repairs for Valley View Pump Station in the amount of \$91,011.00; and

**WHEREAS**, the Borough Engineer, in a letter dated December 23, 2014 attached to the original of the resolution takes no exception to Payment No. 1 in the amount of \$56,884.63; and

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

Payment #1 in the amount of \$56,884.63 is hereby paid to National Water Main Cleaning Co., maintaining offices at 875 Summer Avenue, Newark, NJ.

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

**BILLS:** *Municipal Clerk read the Bill Report*

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

**ENGINEER'S REPORT:**

Andrew Hipolit

Report/Update

a. Update Valley View Pump Station

The project is still ongoing

b. KHov Project

Upper Saddle River Road project; they have made some major changes to the site like the parking of the vehicles on site, sweeping the road of mud

c. Woodland Heights

Had some issues with soil erosion; Progressing fast two homes are built already;

d. Road Paving

Will finish in the spring

**ATTORNEY REPORT:**

Philip Boggia, Esq.

Report/Update

Update on DePiero Lawsuit

Judge will be making a decision by end of January

**UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

a. Receipt Request For Proposals/Municipal Planner/Professional Planning Services  
Received only two proposals

**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

A resident ask what is the next step for tree ordinance; Mayor Fyfe responded by saying that the committee will need to take the recommendations from the Planning Board as well as some concerns from residents and make the changes accordingly.

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

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

**ADJOURNMENT**

Meeting adjourned at 8:01pm

**THE RE-ORGANIZATION MEETING OF THE MAYOR AND COUNCIL WILL BE HELD ON MONDAY, JANUARY 5, 2015 AT 7:30 P.M.**

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk