

**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 Curry	Councilmember LaMonica
Councilmember Ghassali - absent	Councilmember Lane - absent
Councilmember Koelling	Councilmember Talarico

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

7:30 – 7:45 ANNUAL REPORT (P.I.A.) PROFESSIONAL INSURANCE ASSOCIATES, INC.

Frank Covelli, Risk Manager

ORDINANCES:

INTRODUCTION ORDINANCE NO. 2015-1401 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, REPEALING AND REPLACING CHAPTER 2B, "AFFORDABLE HOUSING" OF THE BOROUGH CODE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIASION FOR THE PURPOSE OF ADMINSTRERING MONTVALE'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT (public hearing 5/12/2015)

A motion to Introduce Ordinance **2015-1401** for first reading was made by Councilmember Curry; seconded by Councilmember LaMonica; Clerk read by title only; Councilmember Talarico 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

PUBLIC HEARING ORDINANCE NO. 2015-1400 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, REPEALING CHAPTER 28 OF THE BOROUGH CODE, ENTITLED "CURFEWS," IN ITS ENTIRETY

WHEREAS, Chapter 28 of the Borough of Montvale Code establishes a curfew for children under the age of 16 in the Borough; and

WHEREAS, said Ordinance, which was adopted in 1947, has rarely if ever been enforced; and

WHEREAS, court decisions in the intervening decades have ruled numerous municipal curfew ordinances unconstitutional, due either to vagueness or to a lack of exceptions that respect the rights of parents to permit their children to participate in certain activities with their express permission; and

WHEREAS, in order to maintain consistency with those decisions, the Mayor and Council are desirous of repealing the section of the Borough Code that establishes the curfew.

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

Section 1. Chapter 28 of the Borough Code, adopted by the Borough of Montvale Council on August 11, 1943, as Ordinance No. 267, is hereby repealed in its entirety.

Section 2. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 5. Effective Date.

This ordinance shall become effective upon adoption and publication as required by law.

Ordinance No. **2015- 1400** was introduced for second reading by Councilmember Curry; seconded by Councilmember LaMonica; Clerk read by title only; Motion to open meeting to the public by Councilmember LaMonica; seconded by Councilmember Curry - all ayes

NO PUBLIC COMMENT

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

PUBLIC HEARING ORDINANCE NO. 2015-1402 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN EXTENSION LEASE WITH THE MONTVALE SWIM CLUB, INC. FOR THE PUBLIC PURPOSE OF OPERATING A MUNICIPAL POOL ON CERTAIN REAL PROPERTY NOT NEEDED FOR PUBLIC PURPOSE WHICH IS OWNED BY THE BOROUGH

WHEREAS, the Borough of Montvale has for many years leased certain real property owned by the Borough to the Montvale Swim Club, Inc. (the "Swim Club"), a nonprofit organization of the State of New Jersey, for the purposes of operating a municipal pool in the Borough; and

WHEREAS, *N.J.S.A. 40A:12-14(c)* and *N.J.S.A. 40A:12-15(i)* authorize a lease of public property to a nonprofit organization "for the promotion of the health, safety, morals and general welfare of the community," including operation of a municipal pool; and

WHEREAS, the Swim Club operates the Montvale Swim Club, a municipal pool located at 1 Memorial Drive in Montvale, a parcel that is owned by the Borough of Montvale, which pool is open for membership by all Borough residents; and

WHEREAS, the Borough and the Swim Club are desirous of extending said lease for an initial term not to exceed five (5) years, subject to certain mutual renewal options, upon the terms and conditions set forth herein and other such terms and conditions as will be set forth in a final Lease agreement.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, that a Lease with the Montvale Swim Club, Inc. is hereby approved for the real property located at 1 Memorial Drive, Montvale, New Jersey, the metes and bounds of which will be described in detail in the Lease. The Lease shall be subject to the following terms and conditions:

1. The Lease is approved for an initial period of five (5) years, commencing on May 1, 2015, with four (4) mutual five-year extensions, for a total term not to exceed twenty-five (25) years.
2. The consideration for the Lease shall be one dollar (\$1.00) per year.
3. The Swim Club shall operate the property as a municipal pool, open to all residents of the Borough of Montvale (subject to reasonable limitations on membership due to space limitations), for the benefit of the health and welfare of the public.
4. The Lease shall provide that the Swim Club shall have permission to continue to maintain bathrooms and a snack bar on the property.
5. During the term of the Lease, the Borough shall have the right, but not the obligation, to perform necessary landscaping and grounds maintenance that it deems necessary at the property.
6. During the term of the Lease, the Borough shall have the right, but not the obligation, to designate the Swim Club as a quasi-public entity for insurance and other purposes, in its sole discretion.
7. During the term of the Lease, the Swim Club shall provide reasonable access to its facilities to members of the general public.
8. The terms and conditions of the Lease shall be enforced by the Borough Administrator.

BE IT FURTHER ORDAINED that as an express term of the Lease, the Montvale Swim Club shall be required to submit an annual report to the Borough Administrator setting forth:

1. the purpose for which the property was used;
2. a summary of the activities of the Swim Club in the past year;
3. a full accounting of the income, costs and expenses pertaining to the operations of the Swim Club; and
4. an affirmation of the continued tax-exempt status of the Swim Club under both State and Federal law.

BE IT FURTHER ORDAINED that the Mayor and all other appropriate officials are hereby empowered to execute a Lease upon the terms and conditions set forth herein and to execute all other documents and do all things necessary to effectuate the purposes of this Ordinance.

BE IT FURTHER ORDAINED that if any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

Ordinance No. **2015- 1402** was introduced for second reading by Councilmember Curry; seconded by Councilmember LaMonica - Clerk read by title only; Motion to open meeting to the public by Councilmember Talarico; seconded by Councilmember LaMonica - all ayes

NO PUBLIC COMMENT

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

MINUTES:

April 14, 2015

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

RESOLUTIONS:**65-2015 Bergen County Multi-Jurisdictional Hazard Mitigation Plan**

WHEREAS the Borough of Montvale, NJ, has experienced natural hazards that result in public safety hazards and damage to private and public property;

WHEREAS the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk;

WHEREAS the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan;

WHEREAS a *Hazard Mitigation Plan* has been developed by the Mitigation Planning Committee;

WHEREAS the *Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

WHEREAS the draft plan was provided to each participating jurisdiction and was posted on the County Office of Emergency Management's website so as to introduce the planning concept and to solicit questions and comments; and to present the Plan and request comments, as required by law, and

NOW THEREFORE BE IT RESOLVED by the Borough of Montvale:

1. The Bergen County Multi-Jurisdictional *Hazard Mitigation Plan*, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on April 13, 2015 by the Bergen County Office of Emergency Management is hereby adopted as an official plan of the Borough of Montvale; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Borough of Montvale departments identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Borough of Montvale, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Bergen County Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.

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

**66-2015 Resolution Amending Resolution 71-2014 Award Professional Service Contract/
Bergen County Cooperative Curb Ramp Program/Concrete Construction
Corporation/Grand Avenue/Spring Valley Road/Summit Avenue**

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 re-bid the project and re-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 \$337,354.95 which is based on locations for construction of curb ramps along Grand Avenue, Spring Valley Road and Summit Avenue within the Borough which have been approved by Bergen County; and

WHEREAS, Montvale will be reimbursed the initial 50% of the 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. 1460-14 dated December 15, 2014; 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 Ramp Program for an amount not to exceed \$337,354.95

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

67-2015 A Resolution Sponsoring The Montvale Swim Club, Inc. For Quasi-Entity III Insurance Coverage Through The Bergen County Municipal Joint Insurance Fund

WHEREAS, the Borough of Montvale, (hereinafter the Borough) is a member of the Bergen County Municipal Joint Insurance Fund for all property and casualty coverages; and

WHEREAS, the Bergen County Municipal JIF provides for member municipalities to sponsor non-governmental civic and/or recreational organizations that provide valuable benefit to the community for General Liability coverage as a designated Quasi Entity; and

WHEREAS, the Montvale Swim Club, Inc. is a non-profit organization formed in 1962, to operate the Montvale Community Pool, located on public lands owned by the Borough; and

WHEREAS, the Montvale Swim Club, Inc. has had a lease with the Borough for the public lands on which the Community Pool has operated since 1962; and

WHEREAS, the Montvale Swim Club, Inc. has secured property and casualty insurance coverage through the commercial market for many years and has requested assistance from the Borough to lower their operating costs by becoming a Quasi III entity under the Borough's insurance coverage promulgated through its membership in the Bergen County Municipal Joint Insurance Fund; and

WHEREAS, the Mayor and Council recognize and appreciate the dedication of the volunteers that serve as trustees and further, value the importance of the Montvale Swim Club, Inc. as an integral part of the fabric of the community; and

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, hereby recognizes and acknowledges the inherent benefit of the Montvale Swim Club, Inc. as a valuable organization in the Community and further, requests the Executive Committee of the Bergen County Municipal Joint Insurance Fund provide Quasi III status to the group, thus providing General Liability and Non-Owned and Hired Auto insurance coverage to the Organization; and

BE IT FURTHER RESOLVED, the Borough Risk Management Consultant is hereby directed, in coordination with the organization's leaders and Borough administration, to effectuate the necessary application and supporting documentation for a **May 22, 2015** effective date with said documentation to be provided to the Bergen County JIF for approval as soon as administratively practical; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to Professional Insurance Associates, 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Risk Management Consultant to the Borough.

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

BILLS: Municipal Clerk read the Bill Report

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

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

- a. NJDOT Fiscal Year 2015/Municipal Aid Program Funding Award \$149,000/Terkuile Road
- b. Status Competitive Bid Specifications/2015 Road Improvement Program

As a result of the NJDOT grant for Terkuile Road, Akers Ave will be added to the bid for the road program and Terkuile will be removed. Authorization to go out to bid will be submitted for next meeting.

ATTORNEY REPORT:

Philip Boggia, Esq.
Report/Update

- a. Status Vacate Short Avenue

Only a portion of the road will be vacated. Rockland Built Homes agreed to repair the drainage pit in addition to road improvements. After a brief discussion, a motion to vacate Short Avenue by Councilmember LaMonica; seconded by Councilmember Curry – all ayes

UNFINISHED BUSINESS:

None

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 Talarico; seconded by Councilmember Curry – all ayes

Clint Miller

Wanted to let councilmembers know that Jerry Della Bella, former Fire Chief is on hospice and is not expected to live past weekend

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

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

ADJOURNMENT

Meeting adjourned at 8:45pm

The next Meeting of the Mayor and Council will be held May 12, 2015 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk