

**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 Curry	Councilmember LaMonica
Councilmember Ghassali	Councilmember Lane
Councilmember Koelling	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:

None

MINUTES:

June 9, 2015

A motion to accept the minutes by Councilmember Lane; seconded by Councilmember LaMonica - all ayes with the exception of Councilmember's Curry and Talarico abstaining

RESOLUTIONS:

89-2015 Authorize Submission Of An Application For Municipal Alliance Grant Fiscal Cycle July 2014-June 2019

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Council of the Borough of Montvale, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen.

NOW THEREFORE, BE IT RESOLVED, by the Borough of Montvale, County of Bergen, State of New Jersey hereby recognizes the following:

The Borough Council does hereby authorize submission of an application for the Borough of Montvale Municipal Alliance grant for calendar year 2016 in the amount of \$9,876.00 DEDR; \$2,469 Cash Match; \$7,407 In-Kind

The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

90-2015 Authorize Final Payment #2/ 2012 Road Improvement Project/Smith-Sondy

WHEREAS, a Contract was awarded by in the year 2012 in the amount of \$464,527.60 to Smith-Sondy Asphalt Construction Co, Inc., 150 Anderson Avenue, Wallington, NJ 07075 for the following:

WHEREAS, the Borough Engineer, in a letter dated June 4, 2015 attached to the original of the resolution takes no exception to Payment No. 2 Final Payment in the amount of \$20,596.47 for work 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 #2 in the amount of \$20,596.47 be authorized and paid to Smith-Sondy, LLC

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

91-2015 Awarding Purchase State Contract/Hertrich Fleet Services/Police Vehicle

WHEREAS, the Mayor and Council approved 2015 Dodge Charger Police vehicle to finance; and **WHEREAS**, the Borough of Montvale authorized the execution of a Master Lease Purchase Agreement with Ford Motor Credit Company in the amount of \$27,219.00, for a term of 36 months; and

WHEREAS, payments shall be made to Ford Motor Credit Company, Municipal Finance, 1 American Road, MD7500, Dearborn, MI 48126; and

NOW, THEREFORE, BE IT RESOLVED, the Chief Financial Officer has certified that funds are available and certification is attached to the original of this resolution.

NOW THEREFORE, BE IT FURTHER RESOLVED, the Mayor and Council authorize the Borough Administrator to execute this lease agreement with the above named vendor.

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

92-2015 Authorize Release of Performance Guarantee/Ethan Homes, LLC/24 S. Middletown Road

WHEREAS, Ethan Homes, LLC, 24 South Middletown Road, is requesting a release in their Performance Guarantee in the form of cash in the amount of \$30,000.00; and

WHEREAS, a completed inspection of the site has been conducted by Borough Engineer, which recommends said release of the above referenced in letter dated June 15, 2015 which is attached to the original of this resolution; and

WHEREAS, the Borough Engineer recommends the cash performance bond in the amount of \$30,000.00 be released and provide the required two year maintenance bond in the amount of \$3,750.00 for a two year period as per the attached letter; and

WHEREAS, by the Mayor and Council of the Borough of Montvale that the bond shall be shall be released as a two year maintenance bond in the amount of \$3,750.00 was posted with the Borough of Montvale in the form of cash on June 6, 2015; and

NOW THERFORE BE IT FUTHER RESOLVED, The Borough Treasurer shall receive a copy for processing.

Introduced by: Councilmember Talarico; seconded by Councilmember LaMonica - all ayes

93-2015 A Resolution Endorsing the Housing Element and Fair Share Plan and Spending Plan Prepared by Darlene Green, PP, AICP and Approved by the Montvale Planning Board on June 16, 2015 (Roll Call Vote)

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in a case captioned In Re Adoption of N.J.A.C. 5:96 and 5:97 by NJ Council on Affordable Housing, holding that due to the failure of the New Jersey Council on Affordable Housing (“COAH”) to adopt Third Round Rules concerning the affordable housing obligations of New Jersey municipalities, the enforcement and administration of the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (“FHA”) would vest in the New Jersey Superior Court; and

WHEREAS, the Supreme Court’s March 10 Decision provided that municipalities that had participated in COAH’s Third Round process would be entitled to petition the Superior Court by way of a declaratory judgment action filed no sooner than ninety (90) days after the date of the Decision; and

WHEREAS, the purpose of the declaratory judgment action is to seek a judicial determination that the municipality presents a realistic opportunity for the provision of its fair share of present and prospective need for low and moderate income housing, which determination would provide the municipality with certain protections under the FHA; and

WHEREAS, in 2008, the Borough of Montvale petitioned COAH for substantive certification of the Borough’s Third Round Housing Element and Fair Share Plan, making the Borough a “participating” municipality entitled under the Supreme Court’s March 10 Decision to file a declaratory judgment action in Superior Court; and

WHEREAS, the Borough Planner has prepared a Housing Element and Fair Share Plan (“HEFSP”) and associated Spending Plan for the Borough of Montvale utilizing the limited guidance provided by the New Jersey Supreme Court as to the methodology to be employed by the Borough of Montvale in determining and satisfying its affordable housing obligations; and

WHEREAS, on June 16, 2015, the Montvale Planning Board adopted the HEFSP in accordance with law; and

WHEREAS, a copy of the Planning Board’s approving resolution is attached hereto; and

WHEREAS, the Mayor and Council are desirous of endorsing the HEFSP, authorizing the Borough’s professionals to file the HEFSP with the Court in connection with the anticipated Declaratory Judgment action and to seek approval of the HEFSP from the Court.

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

1. The Housing Element and Fair Share Plan and accompanying Spending Plan prepared by Darlene Green, PP, AICP, and adopted by the Planning Board on June 16, 2015, are hereby endorsed by the Borough Council.
2. The Borough Attorney is hereby authorized and empowered to file the HEFSP and Spending Plan with the Superior Court and seek approval of same in connection with the Declaratory Judgment action previously authorized.
3. All appropriate Borough officials and employees are authorized and empowered to take all steps necessary to effectuate the purposes of this Resolution.

Introduced by: Councilmember Lane; seconded by Councilmember LaMonica – A roll call vote all was taken – all eyes

94-2015 Authorize Payment/2014 Paving Program/A.J.M. Contractors, Inc.

WHEREAS, a Contract was awarded via Resolution No. 87-2014 on May 27, 2014 in the amount of \$598,349.00 to AJM Contractors, 300 Kuller Road, Clifton, NJ 07011; and

WHEREAS, a change order in the amount of \$1,200.00 for additional work for manhole frame cover was needed in the amount of \$1,200.00 bring the total amount of the contract to \$599,549.00; and

WHEREAS, the Borough Engineer, in a letter dated June 24, 2015 attached to the original of the resolution takes no exception to a Payment in the amount of \$57,094.11 for work currently completed; and

WHEREAS, The remaining amount of \$129,846.72 and a 2% retainage will be billed and released when the micro-surfacing is completed in a satisfactory condition; 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 in the amount of \$57,094.11 be authorized and paid to AJM Contractors.

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

95-2015 Award 2015 Road Improvement Program/D.L.S. Contracting, Inc.

WHEREAS, the Borough of Montvale has a need for services in connection with the 2015 Road Improvement Project; and

WHEREAS, consistent with the New Jersey *Local Public Contract Law, N.J.S.A. 40A:11-1*, et seq., the Borough of Montvale did publicly solicit bids for said project under the title "2015 Road Improvement Project" with bids due on June 5, 2015; and

WHEREAS, said solicitation requested bids for a Base Bids plus Alternates A, B, C, D & E; and

WHEREAS, in response to said solicitation, three bids were received; and

WHEREAS, the Mayor and Council, in consultation with the Borough Engineer have determined that sufficient funds are available to perform the work included in Base Bid plus Alternates A, B and C; and

WHEREAS, the lowest bid for the Base Bids A, B and C as submitted by D.L.S. Contracting Inc. 633 Franklin Avenue, Suite 170 Nutley, NJ 07110-1209 in the amount of \$876,936.50 which provides for milling and paving of select road and inlet replacements throughout the Borough ; and

WHEREAS, said bid was within the funds allocated for this project and within the Engineer's estimate for this work; and

WHEREAS, the offices of the Borough Engineer and Borough Attorney have reviewed this bid and have deemed it responsive to the bid specifications; and

WHEREAS, the Borough's Chief Financial Officer has certified that funds have been appropriated and are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that a contract for the above-referenced project shall be awarded as follows:

Bidder	In the amount of:
D.L.S. Contracting, Inc.	Base Bid A: \$659,126.50
633 Franklin Avenue	Base Bid B: \$147,810.00
Nutley, NJ 07110-1029	Base Bid C: \$ 70,000.00
	TOTAL \$876,936.50

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute a contract to effectuate the purpose of this Resolution, subject to approval by the Borough Engineer and Attorney.

This resolution was tabled until next meeting

96-2015 Appointment FT/Administrative Replacement Floater/C. Manhart

WHEREAS, the Borough of Montvale restructured a position within the Administration; and
WHEREAS, Carol Manhart meets the qualifications for this position and agrees to the terms and conditions of 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 that the above named individual is hereby appointed to the position of a full-time Floater, effective July, 1, 2015.

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

BILLS: Municipal Clerk read the Bill Report

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

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

Within the next few weeks a pre-construction meeting will be scheduled. Councilmember Curry asked for an update about the status on paving the Magnolia Ave bridge. Mr. Hipolit stated that he spoke with the county and their goal is to include it with the paving of Spring Valley Road project.

ATTORNEY REPORT:

Phil Boggia, Esq.
Report/Update

The resolution that was passed tonight will be submitted to the State for the requirements under the new ruling.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

a. Jersey Sports Now/Request/Airing High School Sports On Montvale TVAccess
Councilmember Koelling gave a brief description regarding Jersey Sports Now would record sporting events and air it through TVAccess – it was decided to have a representative come to further discuss.

b. Review Interlocal Agreement Between Borough of Park Ridge & Borough of Montvale Purchase & Use of Senior Van

Mayor Fyfe mentioned that he and Councilmember LaMonica will be on the committee along with Park Ridge representatives to further discuss the use of the van

c. Request Permission St. Joseph Regional HS/Food Trucks/A Taste of Everything/Parking Lot SJRHS/8/15/15 – 5:00 p.m. – 11:00 p.m.

A motion to grant permission by Councilmember Lane; seconded by Councilmember Talarico – all ayes

d. Volunteer Tuition Credit Program/Consideration/Creating/Implementing Program

A motion by Councilmember Lane to implement Tuition Program; seconded by Councilmember LaMonica – all ayes

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 Lane; seconded by Councilmember Talarico – all ayes

NO PUBLIC COMMENT

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

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

ADJOURNMENT

Meeting adjourned at 8:15pm

The next Meeting of the Mayor and Council will be held July 14, 2015 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk