

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:38 PM. 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/or 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: Mayor Roger Fyfe; Borough Attorney, Joe Voytus; Borough Engineer, Andy Hipolit; Administrator/Clerk, Maureen Iarossi-Alwan and Deputy Municipal Clerk, Fran Scordo;

ROLL CALL:

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

ORDINANCES:

PUBLIC HEARING OF ORDINANCE NO 2015-1403 AN ORDINANCE VACATING A PAPER STREET KNOWN AS SHORT AVENUE IN THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, AND EXTINGUISHING ALL PUBLIC RIGHTS THEREIN

WHEREAS, Short Avenue in the Borough of Montvale is a public thoroughfare under the jurisdiction and control of the Borough of Montvale; and

WHEREAS, Short Avenue has never been improved by the Borough of Montvale and exists only as it is depicted on the Zoning Map of the Borough of Montvale as a "paper street;" and

WHEREAS, the unique topography of Short Avenue makes it particularly unsuitable for improvement as a public road, and the Borough of Montvale has determined that Short Avenue is unnecessary to the Borough's traffic flows and need not remain within Borough jurisdiction; and

WHEREAS, N.J.S.A. 40:67-1(b) provides that the governing body of any municipality may: "vacate any public street, highway, lane or alley, or any part thereof;" and

WHEREAS, the Borough Engineer has recommended that the Short Avenue "paper street" depicted and described on the survey and metes and bounds descriptions attached hereto be discontinued as a public road and that the Borough of Montvale relinquish all jurisdiction over the responsibility for the construction, reconstruction, repair and maintenance of Short Avenue; and

WHEREAS, the Borough of Montvale has determined that vacating Short Avenue would be beneficial to the public welfare; and

WHEREAS, the vacation of Short Avenue will be subject to a reservation of rights for existing utilities, if any, to remain and be serviced in the vacated road unless the utilities choose to remove and relocate them.

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

Section 1. Pursuant to the provisions of N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19, and it having been determined that the paper street known as Short Avenue is not needed for any public purpose and that the vacation of same would be in the public interest, the Borough of Montvale hereby vacates, abandons, releases and extinguishes any and all Borough-held or public rights in and to the paper street known as Short Avenue in the Borough of Montvale, as depicted on the survey and as described in the metes and bounds descriptions attached hereto.

Section 2. This vacation is subject to a reservation of all rights and privileges currently possessed by the public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," P.L. 1972, c. 186 (C. 48:5A-1 et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the aforesaid land. All of the aforesaid rights shall be unaffected by this instrument.

Section 3. Upon passage of this Ordinance on first reading, pursuant to N.J.S.A. 40:49-2 and N.J.S.A. 40:49-6, the Borough shall cause this ordinance to be published in a newspaper published and circulated within the municipality, if there be one, and if not, in a newspaper printed in the county and circulating in the municipality, once, not less than ten days prior to the time fixed for second reading. The Borough shall also provide individualized notice by certified and regular mail to the owners of all parcels adjacent to Short Avenue.

Section 4. Upon adoption of this Ordinance and publication thereof, title to the land which theretofore was lying within the area of the legal right of way of Short Avenue, as depicted on the survey and as described in the metes and bounds descriptions attached hereto, shall revert to and vest in the adjacent owner(s) of the legal title thereto.

Section 5. Pursuant to N.J.S.A 40:67-21, upon final passage after second reading, the Borough Clerk shall, within sixty days after the effective date of the Ordinance, file a certified copy of the Ordinance with proof of publication in the office of the Bergen County Clerk who shall record and index the same in the Bergen County road vacations book.

Section 6. Effect of invalidation. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 7. Repeal of inconsistent ordinances. All ordinances or parts of ordinances of the Borough of Montvale which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 8. Effective date. This ordinance shall take effect immediately upon its passage and publication as required by law.

Ordinance No. **2015-1403** 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

Kathy Ratigan, 1 Short Ave

Mrs. Ratigan asked for clarity regarding the Right of Way of Short Ave.

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

Councilmembers continued the discussion regarding the Right of Way and Easement. The borough engineer and attorney clarified that by vacating Short Ave the borough waives all its rights to develop and make improvements to the road. All the utility easements will remain the same.

MEETING OPEN TO PUBLIC:

Agenda Items Only

Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Ghassali - All ayes

NO PUBLIC COMMENT

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

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

June 30, 2015

A motion to accept minutes by Councilmember Lane; seconded by Councilmember Ghassali - all ayes with the exception of Councilmember Curry abstaining

RESOLUTIONS:

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.

Introduced by: Councilmember Lane; seconded by Councilmember Talarico - All ayes
Councilmember Ghassali asked the engineer if was familiar with DLS work and reputation

97-2015 Appointment Regular Member / Montvale Fire Department / Eric Rizzo

WHEREAS, the Montvale Fire Department is desirous of adding a regular member; and
WHEREAS, Eric Rizzo 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 Eric Rizzo, as a Regular Member of the Montvale Fire Department, is hereby approved.

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

98-2015 A Resolution Authorizing a Shared Services Agreement with the Borough of Park Ridge for the Shared Purchase and Use of a Senior Van

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) provides that local units of government may enter into a contract for the joint provision of any service which either party to said agreement is empowered to render or perform within its own jurisdiction; and
WHEREAS, the Borough of Montvale and the Borough of Park Ridge are desirous of entering into a Shared Services Agreement concerning the purchase and use of a "Senior Van," with Park Ridge as the lead agency; and
WHEREAS, Montvale and Park Ridge have negotiated the terms of a Shared Services Agreement, a copy of which is attached hereto, which shall be effective for a term concurrent with the useful life of the van; and
WHEREAS, pursuant to this Shared Services Agreement, Park Ridge as lead agency will, in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., arrange for and purchase a van for use by members of the Park Ridge Golden Agers Club and the Montvale Senior Club; and
WHEREAS, with the exception of the hourly costs of each municipality's designated driver which shall be paid by each respective municipality, all costs associated with the use of the van, including fuel, registration, insurance, etc., shall be borne equally by the parties; and
WHEREAS, N.J.S.A. 40A:65-1 et seq. requires that the Shared Services Agreement be approved by resolution of the governing body of each participating municipality; 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 the Shared Services Agreement attached to this Resolution is hereby approved, subject to any changes as to form recommended by the Borough Attorney; and
BE IT FURTHER RESOLVED that the Mayor, Borough Clerk and all other appropriate officials are authorized and empowered to execute all documents necessary to effectuate the purposes of this Resolution.
BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

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

99-2015 Appointment Jr. Member / Montvale Fire Department / Christian Essner

WHEREAS, the Montvale Fire Department is desirous of adding a junior member; and
WHEREAS, Christian Essner 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 Christian Essner, as a Jr. Member of the Montvale Fire Department, is hereby approved.

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

100-2015 To Support and Participate in the Volunteer Tuition Credit Program (P.L. 1998, c.145)

WHEREAS, the Mayor and Council of the Borough of Montvale in the County of Bergen, deems it appropriate to enhance the recruitment and retention of volunteer firefighters and emergency medical volunteers in the Borough of Montvale; and

WHEREAS, the State of New Jersey has enacted P.L. 1998, c. 145 which permits municipal governments to allow their firefighting and emergency medical volunteers to take advantage of the Volunteer Tuition Credit Program at no cost to the municipal government.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale in the County of Bergen that the Volunteer Tuition Credit Program as set forth in P.L. 1998, c. 145 is herewith adopted for the volunteer firefighter and emergency medical volunteers in the municipality; and

BE IT FURTHER RESOLVED, that the Municipal Clerk is herewith delegated the responsibility to administer the program and is authorized to enter into all agreements and to maintain files of all documents as may be required under the P.L. 1998, c 145, a copy of which is herewith made part of this resolution.

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

101-2015 Appointing / Probationary Montvale Police Officer / Walter Marsico

BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that Walter Marsico 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 July 14, 2015.

BE IT FURTHER RESOLVED, Officer Marsico will be placed on paid administrative leave for the duration of his time assigned through his graduation date of December 18, 2015.

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

102-2015 Special Item Of Revenue And Appropriation - Chapter 159

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 \$1,237.60 from the Administrative Office of the Courts and wishes to amend its 2015 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 2015 in the sum of \$1,237.60 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:

Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund, and

BE IT FURTHER RESOLVED that a like sum of \$1,237.60 be and hereby appropriated under the caption of:

General Appropriations

(a)Operations Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund

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

103-2015 Special Item Of Revenue And Appropriation - Chapter 159

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 \$18,208.09 from the State of New Jersey – Solid Waste Administration and wishes to amend its 2015 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 2015 in the sum of \$18,208.09 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:

State of New Jersey – Solid Waste Administration:

Clean Communities Program, and

BE IT FURTHER RESOLVED that a like sum of \$18,208.09 be and hereby appropriated under the caption of:

General Appropriations

(a)Operations - Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

State of New Jersey – Solid Waste Administration:

Clean Communities Program

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

104-2015 Authorize Hiring / Part Time On Call / Crossing Guard / Mary Marsigliano

WHEREAS, the Montvale Police Department desires to hire a part-time on call crossing guard in the Borough of Montvale; and,

WHEREAS, Mary Marsigliano has met the qualifications for this position, agrees to the terms and conditions of employment; 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 Part-time On Call Crossing Guard, effective June 29, 2015.

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

105-2015 Authorize Hiring / Part Time On Call / Crossing Guard / Michael Jewell

WHEREAS, the Montvale Police Department desires to hire a part-time on call crossing guard in the Borough of Montvale; and,

WHEREAS, Michael Jewell has met the qualifications for this position, agrees to the terms and conditions of employment; 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 Part-time On Call Crossing Guard, effective June 29, 2015.

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

106-2015 Resolution Amending Resolution 66-2015 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, the Borough Engineer, in a letter dated July 8, 2015 attached to the original of the resolution takes no exception, it was determined, during construction, that less material was needed resulting in a reduction of the overall cost of the project in the amount of \$165,777.42; and

WHEREAS, the Borough Engineer, in a letter dated July 8, 2015 attached to the original of the resolution takes no exception, that final payment in the amount of \$171,577.53 has been requested; 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 that the Borough of Montvale be authorized and pay in the amount of \$171,577.53 to Construction Corporation, 24 Pink Street, P.O. Box 4063, South Hackensack, New Jersey 07601

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

107-2015 Resolution Authorizing The Borough Administrator To Sign The NJDEP WQM-003 Statement Of Consent Form For Eagle Ridge Road Sanitary Sewer Extension Application

WHEREAS, the New Jersey Department of Environmental Protection requires the governing body to endorse the Treatment Works Approval Application (TWA-1) and Statement of Consent form (WQM-003); and

WHEREAS, the Borough Engineer has reviewed the TWA-1 application and WQM-003 form and recommends that the Borough’s Mayor and Council authorize the Borough Administrator to execute the WQM-003 Form and TWA-001 application; and

WHEREAS, the Borough’s Mayor and Council has considered this recommendation;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Montvale, formally approves the Borough Administrator to execute the above stated Application and Form

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to execute the NJDEP WQM-003 Form and TWA-1 application on behalf of the Borough of Montvale for Eagle Ridge Road Sanitary Sewer Extension

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

BILLS: Municipal Clerk read the Bill Report.

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

REPORT OF REVENUE: Municipal Clerk read the Report of Revenue for the months of June

COMMITTEE REPORTS:

Councilmember Ghassali

Planning Board

Several applications were approved

Councilmember Curry

Construction

Permits and fees have increased from this time last year; 19 property violations issued; 28 prior violations have been abated; Borough Hall is still experiencing air condition issues; lightning detection system will be installed within the next few weeks;

Admin

Verizon will be added to cell tower; Tax Department is adding drop box for residents to use for tax payments.

Recreation

263 children attending summer camp, 10% increase from last year; Thanked all the volunteers
Councilmember Ghassali mentioned it rained for Day in the Park and maybe for next year to consider a rain date

Local School

122 students graduated 8th grade on June 23rd.

Councilmember Talarico

Police

Monthly report included in original minutes

Tri-Boro

Montvale logged: 40 calls; 539 miles; 47.5 hours; 50 crew hours

Local Assistance

Collecting dry goods; the donation bin is located by the library

Councilmember Lane

Fire Dept

The committee went to Wisconsin to see the progress of the new fire truck; Would like to schedule Rob Conely to come to a mayor and council meeting to present the plans for the firehouse.

MAYOR

Library

Circulation 11,743; 5,870 patron visits; 23 library cards issued; scanning and fax services are now being offered at the library; Slightly used books, cds, and dvds are needed for the Friends of the Library annual book sale in September

New senior bus should be delivered and ready for service by September

ENGINEER'S REPORT:

Andy Hipolit

Report/Update

a. Authorization to Bid / Eagle Ridge Road Sanitary Sewer Extension

Will prepare the bid specs

b. Update Road Paving

Pre-construction meeting is set for next week

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

Filed with Superior Court the housing element and fair share plan documents for the COAH requirements

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.

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 Talarico
- all ayes

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT

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

Meeting was adjourned at 8:34pm

The next Meeting of the Mayor and Council will be held July 28, 2015 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk