

**MINUTES  
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:35 PM. 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 - absent	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:**

**INTRODUCTION OF ORDINANCE NO 2015-1404 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE CODE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, IN ORDER TO REVISE THE TABLE OF ORGANIZATION OF THE POLICE DEPARTMENT**

(Public Hearing 8/11/2015)

A motion to Introduce Ordinance **2015-1404** for first reading was made by Councilmember Lane; seconded by Councilmember Talarico; 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 Talarico - A roll call was taken – all ayes

**MINUTES:**

July 14, 2015

A motion to accept the minutes by Councilmember Ghassali; seconded by Councilmember Talarico - all ayes with the exception of Councilmember’s Koelling and LaMonica abstaining

**CLOSED EXECUTIVE SESSION MINUTES:**

2010, 2011, 2012, 2103, 2014, 2015 to Current

A motion by Councilmember Lane; seconded by Councilmember Talarico – all ayes

**RESOLUTIONS:**

**108-2015 Group Affidavit Audit Report**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of the N.J.S.A.40A:5-6, and a copy has been received by each member of the Governing Body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S.52:27BB-34; and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall be resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

**GENERAL COMMENTS  
RECOMMENDATIONS**

and

**WHEREAS**, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, specifically the sections of the Annual Audit entitled: General Comments - Recommendations; as evidenced by the group affidavit form of the Governing Body; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the Annual Audit, as per the regulations of the Local Finance Board; and

**WHEREAS**, all members of the Governing Body have received and have familiarized themselves with, at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the Affidavit as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the Governing Body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52 - "A local officer or member of a local Governing Body who, after a dated fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the Provisions of this Article, shall be guilty of a misdemeanor and upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Montvale, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 10, 1968 and does here submit a certified copy of this resolution and the required Affidavit to said Board to show evidence of said compliance.

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

**109-2015 CORRECTIVE ACTION PLAN**

**WHEREAS**, the audit report for the year ended December 31, 2014 was received by the Borough of Montvale on June 16, 2015; and

**WHEREAS**, the Division of Local Government Services requires a corrective action plan to be prepared and submitted within 60 days from the date the audit is received by the Governing Body; and

**WHEREAS**, the corrective action plan covers all findings and recommendations in the audit report, including state, federal and general findings, as well as, the status of prior year findings and recommendations; and

**WHEREAS**, the corrective action plan should be prepared by the Chief Financial Officer, with the assistance from other municipal officials affected by the audit recommendations, and approved by the Governing Body.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Montvale hereby approves the corrective action plan prepared and submitted by the Chief Financial Officer in response to the findings and recommendations included as part of the audit report for the year ended December 31, 2014.

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

**110-2015 Authorize Renewal Liquor Licenses/Year 2015-2016**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, in the County of Bergen, State of New Jersey, that renewal Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club License be granted to the following, said Licenses to be effective July 1, 2015 and to terminate June 30, 2016.

**BE IT RESOLVED**, that the State of New Jersey, Department of Treasury, Division of Taxation has provided Tax Clearance Certificates for each establishment for this renewal period.

0236-33-004-008 Paluter, Inc., t/a Aldo & Gianni Restaurant, for premises at 108 Chestnut Ridge Road, Montvale, New Jersey.

0236-33-005-008 The Waterfall, Inc., t/a The Porter House for the premises at 125 Kinderkamack Road, Montvale, New Jersey.

0236-33-006-003 Montvale Recreation, Inc., t/a Montvale Recreation Inc. for premises at 14 West Grand Avenue, Montvale, New Jersey.

0236-33-007-004 TPC, Inc., t/a Davey's Locker, for premises at 5 Park Street, Montvale, New Jersey.

0236-31-009-001 Montvale Engine Co. #1, Inc., t/a Montvale Fire Department, for premises at 35 West Grand Avenue, Montvale, New Jersey.

0023-44-001-006 Mo & Sy Corp. t/a Montvale Wine & Spirits, Inc. for premises at 18 South Kinderkamack Road, Montvale, New Jersey

0236-44-002-010 K & S Wine & Liquor t/a K & S for premises at 20 Chestnut Ridge Road, Montvale, New Jersey

0236-36-012-003 South City Prime Montvale, LLC t/a Fire & Oak for premises at 100 Chestnut Ridge Road, Montvale, New Jersey

**BE IT RESOLVED**, that the Municipal Clerk be and is hereby directed to issue said licenses.

Introduced by: Councilmember Lane; seconded by Councilmember LaMonica – all ayes

**111-2015 A Resolution Authorizing the Execution of a Municipal Shared Services Defense Agreement Related to the Retention of Dr. Robert Burchell to Prepare a Fair Share Analysis in Connection with the Borough's Filing of a Declaratory Judgment Action Concerning its Affordable Housing Obligations**

**WHEREAS**, the Borough of Montvale has filed a Declaratory Judgment Action in the Superior Court of New Jersey, Bergen County Vicinage, Docket No. BER-L-6141-15, in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

**WHEREAS**, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

**WHEREAS**, the Borough of Montvale desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"),

through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

**WHEREAS**, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

**WHEREAS**, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

**WHEREAS**, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

**WHEREAS**, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

**WHEREAS**, a Municipal Shared Services Defense Agreement (hereinafter MSSDA"), has been prepared: (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter "the Rutgers Agreement") and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above; and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

**WHEREAS**, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC ("Surenian") will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

**WHEREAS**, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

**WHEREAS**, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

**WHEREAS**, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

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

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Borough of Montvale for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Borough of Montvale and is appended hereto.

4. The Mayor, Borough Clerk and all other appropriate officials are hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Borough of Montvale in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Borough of Montvale hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Borough the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Borough of Montvale will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2,000 it paid.
7. This Resolution shall take effect immediately.

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 Talarico - All ayes

Mayor Fyfe mentioned that they tax bills are delayed and the due date will be extended.

**ENGINEER'S REPORT:**

Andrew Hipolit

Report/Update

- a. Proposal For Professional Construction Administration Services/BC Cooperative Curb Ramp Program
- b. Pre Construction Meeting was held for road paving, DLS Contracting anticipate starting around August 7<sup>th</sup> or so

**ATTORNEY REPORT:**

Phil Boggia, Esq.

Report/Update

No Report

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

a. Jersey Sports Now/Proposed Airing High School Sports/Montvale TV Access  
Representatives of Jersey Sports Now proposed airing all high school sports on TV Access. After a brief discussion, it was decided to have Jersey Sports Now go before the Board of Ed for permission.

b. Station Technician/J. Russo/Consideration of Ideas For Montvale TV Access  
Mr. Russo would like to put the monthly public meeting on You tube in addition to Cablevision. After a brief discussion, it was decided to use YouTube on a trial basis to start.

c. New Park Ridge & Montvale Senior Van/Approval of Van Lettering  
All councilmember's agreed with the lettering

d. Montvale Swim Club Utilities  
After a brief discussion, it was mentioned that the borough is locked in to a program for a year and cannot make any changes to it. Therefore, cannot pay the swim club utilities.

**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

**Clint Miller**

Asked about the cleaning vendor and mentioned that the Firehouse has not been cleaned in months. Went to Wisconsin to see the designs and the facility that will be building the firetruck.

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 8:40pm

The next Meeting of the Mayor and Council will be held August 11, 2015 at 7:30 p.m.

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