

**RE-ORGANIZATION MEETING  
MINUTES**

The Re-Organization Meeting of the Mayor and Council was held in the Council Chambers and called to order at 3:03PM. Adequate notification was published in the official newspaper of the Borough of Montvale according to the provisions of the Open Public Meeting Law (Chapter 231, P.L. 1975).

**SWEARING IN OF MAYOR (4 YEAR TERM)**

Michael Ghassali

**SWEARING IN OF COUNCIMEMBERS (3 YEAR TERM)**

Dieter Koelling  
Michael Weaver

MEETING CALLED TO ORDER  
ALL MEMBERS OF THE GOVERNING BODY SEATED ON THE DAIS

**ROLL CALL**

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

**OPENING PRAYER:**

Opening Prayer given by Father Gabriel Khoury

**ELECTION OF COUNCIL PRESIDENT:**

(Council Appointment)

Motion by Councilmember Talarico to nominate Councilmember Lane for Council President; seconded by Councilmember Curry - All ayes on roll call vote

**ELECTION OF PLANNING BOARD MEMBER:**

(Council appointment)

Motion by Councilmember Lane to nominate Councilmember LaMonica for Planning Board Liaison seconded by Councilmember Talarico - All ayes on roll call vote

**RESOLUTIONS (\*CONSENT AGENDA)**

All items listed on a consent agenda are considered to be routine and non-controversial by the Borough Council and will be approved by a motion, seconded and a roll call vote. There will be no separate discussion on these items unless a Council member(s) so requests it, in which case, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

**\*CONSENT AGENDA**

**RESOLUTIONS 01-2016 THROUGH 16-2016 & 19-2016**

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

**01-2016 Cash Management Plan**

**WHEREAS**, P. L. 1983, Chapter 8, Local Fiscal Affairs Law; N.J.S. 40A:5-2, has been amended to require that each municipality designate a Cash Management Plan for the deposit of each local unit's monies,

**NOW THEREFORE, BE IT RESOLVED**, that the following Cash Management Plan of the Borough of Montvale be and hereby is adopted:

**A. DESIGNATION OF OFFICIAL DEPOSITORIES:**

The following financial institutions are designated official depositories:

1. Bank of America  
Wells Fargo  
N.J. Cash Management Fund  
Valley National Bank
2. Designated Official depositories are required to submit to the Chief Financial Officer of the Borough of Montvale a copy of the State of New Jersey, Department of Banking, Governmental Unit Deposit Protection Act Notification of eligibility, which must be filed semiannually in the Department of Banking as of June 30<sup>th</sup> and December 31<sup>st</sup> of each year. Said Notices must be available for annual audit.
3. Designated official depositories are required to submit to the Chief Financial Officer a copy of institution's "Annual Report" on an annual basis.

**B. DEPOSIT OF FUNDS**

All funds shall be deposited within Forty-Eight (48) hours of receipt in accordance with State statute.

1. Operating funds shall be deposited into interest bearing accounts to maximize interest earnings.
2. Capital and Debt service funds may be deposited into interest bearing accounts. Non-Interest bearing accounts shall be regularly monitored for the availability of funds for investment.
3. Trust funds may be deposited into interest bearing accounts in accordance with the State statutes regulating the deposit of developer's escrow deposits. Non-Interest bearing accounts should be regularly monitored for availability of funds for investment except where either State or Federal laws prohibit the earning of interest on such funds.
4. Payroll and agency remittance funds shall be maintained in regular checking accounts, only insofar as they serve to compensate the bank for payroll data processing services.

**C. DEFINITION OF ALLOWABLE INVESTMENT INSTRUMENTS:**

The Borough may permit deposits and investments in such depositories as permitted in Section 4 of P.L. 1970, Chapter 236 (C.17:9-44) and other instruments specified below:

1. United States Treasury Bills (T-Bills)
2. Borough of Montvale Bonds or Notes
3. Commercial Bank Deposits and Certificates of Deposit (CD's)
4. Repurchase Agreements (Repo's)
5. Investments in Savings and Loan Association
6. United States Government Agency and Instrumentality Obligations
7. State of New Jersey Cash Management Fund
8. School District Obligations

- D. DEFINITION OF ACCEPTABLE COLLATERAL AND PROTECTION OF BOROUGH ASSETS
1. All designated depositories must conform to all applicable State statutes concerning depositories of Public Funds.
  2. All depositories shall obtain the highest amount possible F.D.I.C. and/or F.S.L.I.C. coverage of all Borough Assets (Demand and Certificate of Deposit)
  3. Collateral will be required for all deposits and investments of the Borough, except for those in the State Cash Management Fund, collateral must have a market value of not less than 100 percent of all deposits and investments.
  4. For pledges by depositories on Borough Funds, the following securities will be considered acceptable for pledges:
    - a. Any security backed by the U.S. Government
    - b. Any direct obligation of any taxing authority within the Borough of Montvale
    - c. Real Estate Mortgage Loans for Real Estate property located within the Montvale market area. Pledges of Real Estate Mortgage Loans shall be maintained at a market value of 115 percent of deposits
    - d. All pledges of collateral must be indicated on an advice copy of the investment instrument which shall be forwarded to the Chief Financial Officer or Treasurer
- E. COMPENSATING BALANCE AGREEMENTS:  
Where compensating balances are used to offset bank expenses, an agreement between the bank and the Borough shall be executed, specifying the charge for each service. Said agreement shall be reviewed annually.
- F. REPORTING PROCEDURES:  
The Chief Financial Officer shall prepare for the Mayor and Council of the Borough of Montvale the following investment reports:
1. MONTHLY REPORTING: A detailed listing of all investments purchased in the prior month, specifying the amount, interest percent per annum, number of days, period of investment and maturity date, interest amount at maturity and financial institutions with which investment is placed. This report shall be broken down by fund.
  2. QUARTERLY REPORTING: A detailed summary analysis of all investments by fund, specifying the quarterly interest rate earned, quarterly interest earned on NOW and Savings Accounts and Year-To-Date total interest earnings.
  3. The Treasurer shall prepare a schedule of outstanding investments for the independent auditors as of December 31<sup>st</sup> of each year and at other such times as required by the auditors.
  4. The Treasurer shall also periodically provide analysis of average daily balances in interest bearing checking accounts vs. Other investment vehicle potential.
  5. All such reports may include a comparison of current investment income vs. forecast, prior year or market conditions.

**G. DIVERSIFICATION REQUIREMENTS:**

The Chief Financial Officer and Treasurer shall closely examine investments to guard against the effects of a financial institution going into default. This may be accomplished through the practice of spreading the investments around in various designated official depositories.

**H. MAXIMUM MATURITY POLICY:**

Investments shall be limited to a maturity not to exceed one year on all operating funds unless a longer maturity is permitted within the provision of regulation promulgated by either the Federal or State Governments.

**I. INVESTMENT PROCEDURES:**

Bids for Certificates of Deposit and Repurchase Agreements will be solicited of at least three (3) designated depositories only if the amount is \$100,000 or greater.

Telephone bids will be solicited of designated depositories by the Chief Financial Officer or Treasurer or designated staff member.

The depository shall specify the principal amount of the investment bid on, interest rate and number of days used to calculate the interest to be paid upon maturity.

Interest paid shall be from the date the bid was awarded to the date of maturity.

All bidders may request the results of the bid after the bid is formally awarded.

A check or wire transfer of funds will be made available to the winning bidder on the same business day the bid is awarded.

Each quotation shall be documented to record the date and time of quote, the parties in the discussion, the instrument(s), maturities and rates. A bid form of the Borough may be used.

**J. RETURN ON INVESTMENT:**

Where the return on a proposed investment does not exceed the cost of making said investment by a minimum amount the Chief Financial Officer and/or Treasurer will not make the investment. The Chief Financial Officer and/or Treasurer shall have the discretion to award an investment to the bank wherein the funds reside, should that bank's quoted rate be less than other quoted rates received in the event that the differential in interest rates is less than 25 basis points, and providing that the term of the investment is less than fifteen (15) days.

**K. CONTROLS:**

When possible, the internal controls should provide for a separation of the investment placement functions and the accounting activity. Controls must be designed for telephone orders, wire transfers and securities safekeeping. Only specifically designated personnel shall be allowed to conduct this part of the transactions, and all activity should be subject to immediate written confirmation by the designated depository. The Treasurer shall review each day's activity.

**L. BONDING:**

The following officials shall be covered by surety bonds; said surety bonds to be examined by the independent auditor to insure their proper execution:

- Tax Collector
- Treasurer
- Municipal Court Administrator
- Deputy Municipal Court Administrator
- Magistrate

Staff members of the Department of Finance not covered by separate surety bonds shall be covered by a Public Employee's Faithful Performance Bond in the minimum amount of \$50,000.00

**M. COMPLIANCE:**

The Cash Management Plan of the Borough of Montvale shall be subject to the annual audit conducted pursuant to N.J.S. 40A:5-4.

- N. The official charged with the custody of the monies of the Borough of Montvale shall deposit them as designated by the Cash Management Plan and shall thereafter be
- O. relieved of any liability or loss of such monies due to the insolvency or closing of any depository designated in the Cash Management Plan pursuant to N.J.S. 40A:5-2.
- P. Where a conflict exists between this Cash Management Plan and State statute, the applicable State statute shall apply.
- Q. The Cash Management Plan shall be subject to the approval of the Borough Attorney.

**02-2016 Authorizing payment to the United States Postal Service to effect the use of a Post Machine**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that the Administrator be authorized to issue payment through appropriate methods, to the United States Postal Service, not to exceed One Thousand Dollars (\$1,000.00) per month, to affect the use of a Postal Franking Machine.

**03-2016 Establish 2016 Holiday Schedule For Administrative Non-Contractual Employees**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the following 2016 Holiday Schedule for eligible Administrative non-contractual employees be and is hereby established:

**SECTION 1.** Mandatory holidays during which Borough Hall Administrative Offices shall be closed:

<u>HOLIDAY</u>	<u>DAY OBSERVED</u>
New Year's Day	Friday, January 1, 2016
President's Day	Monday, February 15, 2016
Memorial Day	Monday, May 30, 2016
Independence Day	Monday, July 4, 2016
Labor Day	Monday, September 5, 2016
Columbus Day	Monday, October 10, 2016
Veterans Day	Friday, November 11, 2016
Thanksgiving Day	Thursday, November 24, 2016
and the Day After	Friday, November 25, 2016
Christmas Day	Monday, December 26, 2016

**SECTION 2.** Two Floating Holidays, one each to replace Martin Luther King Day and Good Friday to be taken any time during the year. If not used during the calendar year, they will be lost with no ability to be carried or receive pay.

**SECTION 3.** Two one-half (1/2) day holidays to replace Election Day: one-1/2 day to be taken immediately before the Christmas Day holiday is observed and one-1/2 day to be taken immediately before the day the New Year's Day Holiday is observed.

If July 4<sup>th</sup> falls on Saturday, the holiday shall be observed on Friday. If July 4<sup>th</sup> falls on Sunday, the holiday shall be observed on Monday.

If Christmas Day and New Year's Day fall on Saturday, these two holidays shall be observed on Friday. Therefore, the two-1/2 holidays shall be observed on the Thursday before the holidays.

If Christmas Day and New Year's Day fall on Sunday, these two holidays shall be observed on Monday. Therefore, the two-1/2 holidays shall be observed on the Friday before the holidays.

**SECTION 4.** Pursuant to the Personnel Policy, those employees classified as full-time employees (working 35 hours or more each week) shall be entitled to all days, as outlined above in Section 1 through Section 3. Pursuant to the Personnel Policy, all employees classified as part-time employees (working less than 35 hours per week) and eligible to receive holidays, shall only be entitled to the holidays listed in Section 1, and only when the holidays fall on their regularly scheduled days of work.

**04-2016 Designating the Mayor, Municipal Clerk, Administrator, Chief Municipal Financial Officer, Treasurer, as Official signatories on Borough Warrants and the Judge, Municipal Court Administrator and Deputy Court Administrators as Official signatories on Municipal Court Accounts**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that the Mayor, Municipal Clerk, Treasurer, Borough Administrator, Certified Municipal Finance Officer are hereby designated as the official signatories on Borough Warrants.

**BE IT FURTHER RESOLVED**, that the Judge, Municipal Court Administrator and Deputy Court Administrator are hereby designated as the official signatories on all Municipal Court accounts.

**05-2016 Roll Call of the Councilmembers to be called in alphabetical order**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, NJ that a Roll Call of the Councilmembers at the Council meetings is to be taken in alphabetical order.

**06-2016 Authorizing the Mayor, Clerk and Collector to issue warrants for certain items with ratification at the following meeting**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, NJ, that the Mayor, Clerk and Collector be authorized to issue warrants for the following purposes, with ratification at the following meeting, on due dates for the following items:

- Board of Education, Montvale, NJ
- Pascack Valley Regional Board of Education
- County Tax
- Bergen County Sewer Authority
- Medical Insurance
- Life Insurance
- Bond and Note Payments
- Interest on Bonds and Notes
- Payrolls
- Investments
- Gasoline
- Scavenger Service

**07-2016 All bills to be presented in proper form to the Finance Department no later than the 25<sup>th</sup> of each month**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that all bills must be presented in proper form to the Finance Department no later than the 25<sup>th</sup> of each month, and;

**BE IT FURTHER RESOLVED**, that any bills received later than this date shall be held over for payment until the following month.

**08-2016 Change Fund in the amount of \$100.00 be provided for the Municipal Clerk, Collector/Treasurer, \$50.00 for the Dog/Cat License Registrar, \$100.00 for the Court Violations Clerk and \$50.00 for the Police Department**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that a Change Fund in the amount of \$100.00 be provided for the Municipal Clerk/Collector Treasurer, \$50.00 for the Dog/Cat License Registrar, \$100.00 for the Court Violations Clerk, and \$50.00 for the Police Department.

**09-2016 Designation of official newspapers for advertising for the Borough of Montvale**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that the following newspapers are hereby designated as the official newspapers for advertising for the Borough of Montvale, NJ for the year 2014:

- The Record – Hackensack, N.J.
- The Ridgewood News – Hackensack, N.J.

**10-2016 Fixing the rate of interest to be charged for the nonpayment of taxes, assessments and excess sewer fees**

**WHEREAS**, R.S. 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for nonpayment of taxes, assessments and excess sewer fees subject to any abatement or discount for the late payment of taxes, assessments and excess sewer fees as provided by law; and

**WHEREAS**, R.S. 54:4-67 has been amended to permit the fixing of said rate of 8% per annum of the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00;

**NOW THEREFORE, BE IT RESOLVED**, by the Borough of Montvale, County of Bergen, State of New Jersey, as follows:

1. The Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 of taxes and excess sewer fees becoming delinquent after due date and 18% per annum on any amount of taxes and excess sewer fees in excess of \$1,500.00 becoming delinquent after due date, subject to any abatement or discount for the late payment of taxes and excess sewer fees as provided by law.
2. Re Chapter 72 laws of 94 CTC 94-3. If the new tax bills are not in the mail by June 14, interest will then be charged 25 calendar days after the bills were mailed. Interest shall be calculated from August 1.
3. No interest shall be charged if payment of any quarterly tax payment and bi-annual excess sewer fess is received within ten (10) days of the date upon which the same becomes payable.
4. In connection with any delinquency of taxes, assessments or municipal charges in excess of \$10,000 which has not been paid prior to the end of a calendar year, there shall be imposed a penalty in a sum equal to six (6%) percent of the delinquency in excess of \$10,000.
5. With respect to tax certificates in excess of the sum of \$200 the following additional penalties shall be charged: two (2%) percent on the amount due over \$200 up to \$5,000; four (4%) percent of the amount due over \$5,000 up to \$10,000; and six (6%) percent on the amount in excess of \$10,000; plus cost 2% and \$25.00 per Title 54.
6. Any payments not made in accordance with Paragraph Two of this resolution shall be charged interest from the due date, as set forth in Paragraph One of this resolution.
7. The Tax Collector is authorized to hold a tax sale for unpaid taxes and/or excess sewer charges.
8. This resolution shall be published in its entirety once in the newspaper.
9. A certified copy of this resolution shall be provided by the Office of the Municipal Clerk to each of the following officials: Tax Collector; Borough Attorney; Borough Auditor; Chief Financial Officer.

**11-2016 Order of business to be followed at all regular meetings of the Mayor and Council**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that the agenda will be established and printed for each regular meeting of the Council, and that only items of business on the printed agenda will be considered at such regular meeting.

**BE IT FURTHER RESOLVED**, the agenda is subject to amendments by a majority vote of the council and action may be taken on issues that are not listed on the agenda, as authorized by the Open Public Meetings Act.

**BE IT FURTHER RESOLVED**, that the following order of business shall be followed at all public meetings of the Mayor and Council of the Borough of Montvale, N.J.

1. Roll Call
2. Reading and/or approval of all unapproved minutes

3. Second reading, public hearing and final passage of ordinances and introduction of ordinances
4. Presentation of resolutions
5. Presentation of bills
6. Reports of committees, Mayor, Treasurer and Administrator
7. Both Public and Workshop Meetings open to public to speak
8. Old Business
9. New Business
10. Reading of all communications, petitions, etc
11. Adjournment

The Borough Council will conduct a meeting on the last Tuesday of each month, which will serve as workshop sessions. Action may be taken at this meeting.

The public is invited to attend all meetings and speak at all public and workshop sessions of the Mayor & Council.

**12-2016 All monies collected by any Borough Official or Employee of the Borough shall be turned over the Borough Treasurer within 48 hours**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that all monies collected by any Borough Official or Employee of the Borough of Montvale, N.J. shall be turned over to the Borough Treasurer, in full, within forty-eight (48) hours, without any fees being deducted.

**BE IT FURTHER RESOLVED**, that any fees to which any Borough Official or Employee is entitled shall be set forth in detail on a regular Borough Voucher and presented for payment in the same manner as all bills are submitted.

**13-2016 Establish Mayor & Council Meeting Schedule for the Year 2016**

**BE IT RESOLVED**, the meetings of the Mayor and Borough Council shall be held on the following dates for the year 2016 at the location of Borough of Montvale, Municipal Complex, 12 Mercedes Drive, 2<sup>ND</sup> Floor, Montvale, New Jersey. All meetings will commence at 7:30 PM except where noted.

<i>*January 3 – 3PM (Sunday)</i>	Organization Meeting
January 12	Public Meeting
January 26	Workshop Session
February 9	Public Meeting
February 23	Workshop Session
March 8	Public Meeting
March 29	Workshop Session
April 12	Public Meeting
April 26	Workshop Session
May 10	Public Meeting
May 31	Workshop Session
June 14	Public Meeting
June 28	Workshop Session
July 12	Public Meeting
July 26	Workshop Session
August 9	Public Meeting
August 30	Workshop Session
September 13	Public Meeting
September 27	Workshop Session
<i>*October 13 (Thursday)</i>	Public Meeting
October 25	Workshop Session
<i>*November 7 (Monday)</i>	Public Meeting
November 29	Workshop Session
December 13	Public Meeting
December 27	Workshop Session

Meeting dates are subject to change. 48 hour notification will be provided per N.J.S.A. 10:4-18.

**ACTION MAY BE TAKEN AT BOTH PUBLIC AND WORKSHOP MEETINGS.**

**14-2016 Establishing a procedure for the periodic release of minutes of executive/session minutes**

**WHEREAS**, the Borough Council of the Borough of Montvale periodically conducts executive session meetings pursuant to N.J.S.A. 10:4-12; and

**WHEREAS**, the Borough Council is desirous of establishing a procedure for the periodic release of minutes of executive session meetings.

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

- Borough Council Minutes Review Committee. There shall be a minutes review committee (MRC) consisting of the Borough Administrator, the Borough Attorney and the Municipal Clerk, whose job shall be to periodically review the minutes of closed sessions of the Borough Council and make recommendations to the Borough Council which minutes should be made public. The MRC shall have no power and shall not be a "public body" within the meaning of the Open Public Meetings Act.
- Meetings of MRC. The MRC shall meet on an as-needed basis. Meetings of the MRC shall be as scheduled at the convenience of the MRC members by the Borough Administrator.
- Preparatory staff work. Prior to each meeting of the MRC, the Borough Attorney shall prepare a list of all closed sessions minutes which have been prepared by the Borough Attorney that have not been made public. The list and the minutes listed shall be made available to the MRC at their meetings.
- Basis for recommendation. Recommendations to make minutes public shall be on a case-by-case basis, taking into consideration both the interest in maintaining confidentiality set forth in N.J.S.A. 10:4-12 and the interest in prompt disclosure set forth in N.J.S.A. 10:4-14. The applicable guidelines set forth in paragraph 7 of this resolution may be considered as a general standard.
- Decision. The decision to make public the minutes of any closed session shall be made only by the Governing Body of the Borough of Montvale and shall be based on a finding that public

disclosure of the matters discussed at such closed session will not be detrimental to the public interest. In making this finding, the public body shall take into consideration, but need not agree with, the recommendation of the MRC and the basis for the recommendation as set forth in paragraph 4 above. In cases where more than one matter was discussed in closed session, the public body may elect to make public only the minutes pertaining to certain of those matters, and to keep the remaining portion(s) of the minutes confidential. Should the minutes contain any material entitled to protection, the public body shall excise or redact such protected matter, provided, that all materials required to be contained in the minutes by N.J.S.A. 10:4-14 shall be set forth.

- Once public, always public. Minutes which are made public shall not thereafter be treated as confidential, but may be seen and copied by any person in the same manner as minutes of open meetings.

- Guidelines. The following general guidelines pertaining to the nine purposes for closed meetings set forth in N.J.S.A. 10:4-12.B, may be considered in recommending and deciding when to make public minutes of closed session;
  - (a) Matters required by law to be confidential. When the need to preserve the secrecy of the confidential information discussed no longer exists; provided, that material entitled to court protection shall not be disclosed.
  - (b) Matters affecting the right to receive federal funds. When disclosure would no longer impair the right to receive funds or cause funds already received to be forfeited.
  - (c) Matters involving individual privacy. Such matters shall not be disclosed except as ordered by a court of competent jurisdiction, or with the written consent of all of the individual(s) concerned.
  - (d) Matters relating to collective bargaining agreements. When the collective bargaining agreement has been made, executed, and ratified.
  - (e) Certain matters involving public funds. After the transaction involving the public funds has been made.
  - (f) Matters affecting public safety and property. When the disclosure would no longer impair the safety and property of the public or the conduct of any investigation.
  - (g) Litigation, contract negotiation and certain privileged matters. As to litigation, when a final decision has been rendered and all rights of appeal are exhausted; as to anticipated litigation, when the statute of limitations has been made as to contract negotiation, when either the contract has been made and is binding on all parties or if not made, when negotiation is terminated; as to matters falling within the attorney-client privilege, at such time, if ever, that disclosure would not violate the attorney's ethical duties.
  - (h) Employment matters. When the employment decision has been made and all rights to litigate or appeal are exhausted; provided, that material entitled to court protection shall not be disclosed.
  - (i) Deliberations after hearing in penalty matters. After the decision of whether to impose the penalty has been made and all rights to litigate or appeal are exhausted; provided, that material entitled to court protection shall not be disclosed.

**15-2016 Open Public Meetings Act, Chapter 231 of Public Laws of the State of New Jersey/Closed Sessions Governing Body**

**WHEREAS**, it is necessary for the Mayor and Council of the Borough of Montvale to discuss matters relating to such matters and which matters are permitted by Section 7.b of the Open Public Meeting Act, Chapter 231 of the Public Laws of the State of New Jersey for 1975 to be discussed in closed session in the absence of the public from time to time:

- 1.) Any matter considered confidential by federal law, state statute, or court rule;
- 2.) Any matter in which the release of information would impair the receipt of federal funds;
- 3.) Any material which would constitute an unwarranted invasion of individual privacy if disclosed;
- 4.) Any collective bargaining agreements or other discussion of the terms and conditions of a collective bargaining agreement, including negotiations leading up to such an agreement.
- 5.) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds where disclosure of such matter could adversely affect the public interest.
- 6.) Any tactics and techniques used in protecting the safety and property of the public and investigations of violations or possible violations of the law.
- 7.) Any pending or anticipated litigation or contract negotiations in which the public body

is or may become a party, and any matter falling within the attorney-client privilege, to the extent that confidentiality is required to preserve the attorney-client relationship.

8) Personnel matters related to the employment, appointment or termination of current or prospective employees, unless all individuals who could be adversely affected request, in writing, that the matter be discussed at a public meeting.

9.) Any deliberations of a public body occurring after a public hearing that may result in the imposition of a fine upon an individual or the suspension or the loss of license or permit belonging to an individual.

**WHEREAS**, the Mayor and Council of the Borough of Montvale have determined that it is necessary in the public interest that the matters in fact be discussed in closed session, and has estimated that as nearly as can now be ascertained, the results of the discussion can be disclosed to the public at the conclusion of such matters; and

**WHEREAS**, any motion to go into closed session will be deemed to include a motion that the matters discussed at such closed session will be disclosed to the public when such matters are finally determined and there is no further reason to prohibit the public disclosure of information relating to such matters; and

**NOW, THEREFORE BE IT RESOLVED**, that any motion to go into closed session shall have the same effect as this resolution being adopted; and

**NOW, THEREFORE BE IT FURTHER RESOLVED** that the public be excluded from said portions of the meetings, when said closed session is deemed necessary and the appropriate motion adopted.

#### **16-2016 Adoption of year 2016 By-Laws of the Mayor and Council of the Borough of Montvale**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that the By-laws of the Mayor and Council of the Borough of Montvale are hereby adopted.

**Included with original minutes**

#### **19-2016 Adoption Borough Policy & Procedure Manual/Year 2016**

**WHEREAS**, it is the policy of Borough of Montvale to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

**WHEREAS**, the Montvale Governing Body has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

**NOW, THEREBY, BE IT RESOLVED** by the Mayor & Council of the Borough of Montvale that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

**BE IT FURTHER RESOLVED** that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

**BE IT FURTHER RESOLVED** that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor & Council.

**BE IT FURTHER RESOLVED** that to the maximum extent permitted by law, employment practices for the Borough of Montvale shall operate under the legal doctrine known as "employment at will."

**BE IT FURTHER RESOLVED** that the Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Borough Attorney shall assist the Administrator in the implementation of the policies and procedures in this manual.

**BE IT FUTHER RESOLVED**, this manual shall be distributed to managerial/supervisory employees of the Borough of Montvale

**NON-CONSENT AGENDA RESOLUTION**

**00-2016 Temporary Budget**

**WHEREAS**, 40A: 4-19 provides that where any contract, commitment or payment are to be made prior to the final adoption of the 2016 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

**WHEREAS**, the effective date of this resolution is January 1, 2016; and

**WHEREAS**, the total appropriations in the 2015 budget, exclusive of any appropriations for debt service, capital improvement fund and public assistance are as follows:

Current	\$17,815,162.00
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**WHEREAS**, 26.25 percent of the total appropriations in the 2015 budget, exclusive of any appropriations for debt service, capital improvement fund and public assistance in said 2015 budget is as follows:

Current	\$ 4,676,480.02
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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale that the following temporary appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records:

General Appropriations  
Operations – Within “CAPS”

Administrative and Executive:	
Salaries and Wages	\$55,000.00
Other Expenses	25,000.00
Mayor and Council:	
Salaries and Wages	12,000.00
Other Expenses	4,000.00
Borough Clerk:	
Salaries and Wages	40,000.00
Other Expenses	8,000.00
Financial Administration:	
Salaries and Wages	60,000.00
Other Expenses	9,500.00
Tax Assessment Administration (Assessment of Taxes):	
Salaries and Wages	10,000.00
Other Expenses	9,500.00
Revenue Administration (Collection of Taxes):	
Salaries and Wages	20,000.00
Other Expenses	12,500.00
Legal Services and Costs:	
Other Expenses	60,000.00
Engineering Services and Costs:	
Other Expenses	25,000.00
Cable TV Committee:	
Salaries and Wages	2,500.00
Other Expenses	4,000.00

Historic Preservation Commission:	
Other Expenses	100.00
Planning Board:	
Salaries and Wages	25,000.00
Other Expenses	20,000.00
Zoning Official:	
Salaries and Wages	5,000.00
Property Maintenance:	
Salaries and Wages	2,000.00
Life Insurance	1,500.00
General Liability Insurance	85,000.00
Worker's Compensation Insurance	95,000.00
Employee Group Health	400,000.00
Fire:	
Other Expenses	35,000.00
Fire Hydrant Service	60,000.00
Police:	
Salaries and Wages	750,000.00
Other Expenses	40,000.00
Acquisition of Police Vehicles	20,000.00
Police Dispatch / 911 (Radio Communications):	
Other Expenses	10,000.00
First Aid Organization:	
Other Expenses	10,000.00
Emergency Management:	
Salaries and Wages	1,000.00
Other Expenses	2,500.00
Uniform Fire Safety:	
Salaries and Wages	15,000.00
Other Expenses	3,000.00
Prosecutor:	
Other Expenses	4,000.00
Garbage and Trash Removal:	
Other Expenses	150,000.00
Public Buildings and Grounds:	
Salaries and Wages	7,500.00
Other Expenses	5,000.00
Maintenance of All Vehicles:	
Other Expenses	7,500.00
Municipal Services Act:	
Other Expenses	5,000.00
Public Health Services (Board of Health):	
Salaries and Wages	1,000.00
Other Expenses	25,000.00
Environmental Commission:	
Salaries and Wages	400.00
Other Expenses	400.00
Animal Control Services (Animal Regulation):	
Other Expenses	3,000.00
Welfare Administration (Public Assistance):	
Salaries and Wages	2,000.00
Other Expenses	200.00
Parks and Playground Maintenance:	
Salaries and Wages	1,500.00
Recreation:	
Salaries and Wages	20,000.00
Other Expenses	7,000.00
Senior Citizens Van:	
Salaries and Wages	4,500.00
Other Expenses	2,500.00

**BOROUGH OF MONTVALE****JANUARY 3, 2016**

Municipal Court:	
Salaries and Wages	35,000.00
Other Expenses	2,500.00
Public Defender:	
Other Expenses	1,500.00
Construction Code Official:	
Salaries and Wages	40,000.00
Other Expenses	1,500.00
Building Sub-Code Official:	
Salaries and Wages	25,000.00
Plumbing Sub-Code Official:	
Salaries and Wages	7,000.00
Fire Sub-Code Official:	
Salaries and Wages	5,000.00
Electrical Sub-Code Official:	
Salaries and Wages	7,000.00
Elevator Sub-code Official:	
Other Expenses	6,000.00
Gasoline	30,000.00
Electricity	55,000.00
Telephone	15,000.00
Natural Gas	35,000.00
Street Lighting	40,000.00
Deferred Charges and Statutory Expenditures – Municipal Within “CAPS”	
Statutory Expenditures:	
Social Security System	60,000.00
Defined Contribution Retirement Program	<u>4,000.00</u>
	<u>2,553,100.00</u>
Excluded from “CAPS”	
Maintenance of Free Public Library	225,000.00
Sewer Processing and Disposal:	
Contractual	300,000.00
Recycling Tax	<u>4,000.00</u>
	<u>529,000.00</u>
Inter-local Municipal Service Agreements	
Police Dispatch / 911:	
Other Expenses	50,000.00
Municipal Court Administration:	
Salaries and Wages	35,000.00
Other Expenses	20,000.00
Prosecutor:	
Other Expenses	4,000.00
Public Defender:	
Other Expenses	1,500.00
Department of Public Works:	
Other Expenses	<u>600,000.00</u>
	<u>710,500.00</u>
	<u>3,792,600.00</u>
Municipal Debt Service - Excluded from “CAPS”	
Payment of Bond Principal	1,595,000.00

Interest on Bonds	<u>200,955.00</u>
	<u>1,795,955.00</u>
	\$5,588,555.00
	=====

Introduced by Councilmember Lane; seconded by Councilmember Curry – all ayes

**17-2016 Officers Fire Department**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that the following Officers of the Montvale Fire Department be approved for the year 2016:

- Fire Chief - Clinton Miller, Sr.
- Deputy Fire Chief - Geoffrey Gibbons
- Captain 1 - Charles Lydon
- Captain 2 - Michael Barnes
- Lt., Company #1 - Mike Cintineo
- Lt., Company #2 - Rick Alton

Introduced by Councilmember Lane; seconded by Councilmember Curry – all ayes

**18-2016 NJ Pay to Play Law/Professional Service Contract Appointments/Year 2016**

**WHEREAS**, on January 2006, the “New Jersey Local Unit Pay to Play” Law, N.J.S.A. 19:44A-20.4, et. seq., took effect; and

**WHEREAS**, the Borough of Montvale has a need to award certain professional contracts for services required by the municipality in calendar year 2016; and

**WHEREAS**, the Pay to Play Law permits such services to be acquired through the ‘non-fair and open” process as declined in N.J.S.A. 19:44A-20.4 or 20.5 on those contracts where it is anticipated that the total cost will exceed \$17,500.00; and

**WHEREAS**, the anticipated term of these contracts is 1 year; and

**WHEREAS**, the public good and interest of the citizens of the Borough of Montvale will best be served by the “non-fair and open” process to secure experienced professional services, rather than the “fair and open” process awarding a contract to the lowest bidder; and

**WHEREAS**, each professional will be required to first complete and submit a Business Entity Disclosure Certification which certifies these professionals have not made any reportable contributions to a political or candidate committee in the Borough of Montvale in the previous one year, and that said professionals will be prohibited from making any reportable contributions through the term of the contract, and

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

The following professional 2016 contracts shall be awarded under the “non-fair open” process at the next regular meeting of the Governing Body:

*Borough Attorney:*

Philip N. Boggia, Esq.  
 Boggia & Boggia, Esqs.  
 71 Mt. Vernon Street  
 Ridgefield Park, NJ 07660

*Borough Engineer:* Andrew Hipolit  
Maser Consulting P.A.  
200 Valley Road, Suite 400  
Mount Arlington, NJ 07856

*Auditor:* Jeff Bliss  
Lerch, Vinci & Higgins  
1717 Route 208  
Fairlawn, NJ 07407

The said professionals, prior to securing such contract, shall execute and file with the Municipal Clerk, a *2016 Business Entity Disclosure Certification* pursuant to N.J.S.A. 19:44A-20-8.

Introduced by Councilmember Lane; seconded by Councilmember Talarico – all ayes

**OATHS OF OFFICE ADMINISTERED TO OFFICERS OF MONTVALE FIRE DEPARTMENT  
SWEARING IN BY MAYOR MIKE GHASSALI**

Fire Chief Clinton Miller, Sr.  
Deputy Chief Geoffrey Gibbons  
Captain, Company # 1, Charles Lydon  
Captain, Company # 2, Michael Barnes - absent  
Lieutenant, Company # 1, Mike Cintineo  
Lieutenant, Company # 2, Rick Alton

**MAYOR & GOVERNING BODY APPOINTMENTS, 2016 STAFF, BOARD AND COMMITTEE  
APPOINTMENTS**

Mayor Ghassali read the staff, board and committee appointments into the record. (Listing attached to original minutes).

A motion by Councilmember Lane; seconded by Councilmember Talarico - All ayes on a roll call vote

**OPEN MEETING TO PUBLIC:**

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

**Tom Sullivan , Freeholder**

Extended congratulations to all newly elected officials and issued them with certificates of commendations on behalf of the Bergen County Freeholders

**CLOSE MEETING TO PUBLIC:**

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

**COUNCIL COMMENTS:****Council President Lane**

Congratulated Mike Weaver and Mike Ghassali on their election; Wished all a Happy New Year; Big year ahead with the Firehouse and DePiero's project; Remain vigilant as a borough with expenditures; roads to pave, fields to maintain and corporations filing tax appeals. Welcome input from residents and urge residents to come to budget meetings.

**Councilmember Talarico**

Starting ninth year as councilmember and Police commissioner; congratulated newly elected mayor and councilmember;

**Councilmember Curry**

Wished everyone Happy New Year; Welcomed Mike Weaver to council and look forward to working with him as well as Dieter Koelling and Mayor Ghassali; looking forward Councilmember Curry stated that we must practice consistent, reliable, predictable, effective, thoughtful, compassionate, and courteous communication as councilmembers, as volunteers and as borough employees; thanked the borough employees for their consistency, efficiency and always being able to answer a question and if they don't have it they will find the answer. Thanked all the volunteers, first responders, police and the volunteers of which she has worked with on various boards;

**Councilmember Koelling**

Congratulated Mayor Ghassali and Councilmember Weaver; looks forward to continuing his service to the town; looking forward being Deputy Police Commissioner; thanked all employees, fire department, police department; thanked all people for coming and encouraged more residents to come to meetings.

**Councilmember Weaver**

Congratulated Mayor Ghassali and Councilmember Koelling; thanked his family especially his wife; thanked for all the support throughout his campaign, it was humbling; he has large shoes to fill with Mayor Fyfe moving on, as MAL President, as councilman and as Mayor for eight years for someone to devote his life to the town, you can't say thank you enough; he looks forward to working with the mayor and council and to also learn from them as well.

**Mayor Ghassali**

Wished everyone a Happy and Healthy New Year; congratulated councilmembers Weaver and Koelling; thanked Councilmember Koelling for his service in Iraq and Afghanistan and also thanked all the veterans and their families; thanked fellow councilmembers for their service to the community, it takes passion and commitment and a lot of work to make it look easy, but it is not. Welcomed all friends and family who are in attendance; an extended welcome to Patrick Vito and Professor Mike Russo from William Paterson University, Assemblywoman Holly Schepisi, former Mayor George Zeller, District 39 Republication Chairman Mike Ryan and his wife Maryann, TV station from Sweden who will be broadcasting the meeting in Europe and Bergen County Freeholder and Montvale resident Tom Sullivan. Mayor Ghassali also thanked his family, friends, church family, and his neighbors. Mayor Ghassali extended his sincere thanks and gratitude to Mayor Roger Fyfe for his service to the community for 25 years and wishes him and his family all the best as they move forward and truly wishes Mayor Fyfe would continue to serve the community to offer his experience and knowledge. Mayor Ghassali continued by praising all employees, fire department, police department, professionals, tri-boro ambulance, and all volunteers. Looking forward to 2016 would like to set up a marketing campaign to fill vacant office buildings, to inform residents more by using social media, etc. and will have standing office hours every Tuesday from 5-7pm. Mayor Ghassali concluded by saying he was born in Syria, he is a Christian, proud of his heritage and proud to be an American, free to speak his mind. It is truly a testament for the people of Montvale and to this country to elect a man from Syria in 2015.

**CLOSING PRAYER**

Closing Prayer given by Pastor Sam Goertz

Motion to adjourn Re-Organization meeting by Councilmember Lane; seconded by Councilmember Curry - All ayes.

Meeting adjourned at 3:55 PM

Next scheduled Mayor and Council meeting will be held January 12, 2016 @ 7:30PM

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