

**AGENDA**  
**WORK SESSION MEETING**  
**BOROUGH OF MONTVALE**  
**Mayor and Council Meeting**  
**April 29, 2014**  
**Meeting to Commence 7:30 PM**

**7:00 P.M. Elected Officials Training**  
(Frank Covelli, PIA)

**ROLL CALL:**

Councilmember Cudequest	Councilmember LaMonica
Councilmember Curry	Councilmember Lane
Councilmember Ghassali	Councilmember Talarico

**ORDINANCES:**

**None**

**MINUTES:**

April 8, 2014

**RESOLUTIONS:**

- 72-2014 Authorizing The Acceptance Of Credit Card Payments For The Collection Of Municipal Court Fees In Accordance With The Provisions Of N.J.A.C. 5:30-9.1 Et Seq.
- 73-2014 Authorizing Hiring/Full Time Montvale Police Department Secretary/H. McGee
- 74-2014 Adopting Personnel Policies and Procedures Manual
- 75-2014 Affirm Civil Rights Policy/Borough of Montvale/Officials/Appointees, Employees/ Prospective Employees/Volunteers/Independent Contractors/Members of the Public
- 76-2014 Authorizing Acceptance Of The Plan Document/Benefits Afforded Under the Borough Of Montvale's Vision Benefit Program/Insurance Design Administrator's (IDA)
- 77-2014 A Resolution Authorizing the Execution of a Settlement Agreement Concerning the Litigation Captioned *Borough of Park Ridge v. Borough of Montvale, et al., Docket No. BER-C-341-13*
- 78-2014 Proclaiming May 1, 2014/Keep Kids Alive Drive 25 Day/Borough of Montvale
- 79-2014 Authorize Release of Escrow/D. Watson/Block 1501/Lot 19.02
- 80-2014 Resolution Authorizing the Borough of Montvale to Join HGACBuy Through Execution of an Interlocal Agreement

**BILLS:**

**ENGINEER'S REPORT:**

Andrew Hipolit  
Report/Update

- a. Request Sanzari/Nottingham Manor/Request Borough Easement/Proposed Installation of Staircase Access To Municipal Parking Lot

- b. Proposed Walkway Access To Grand Avenue/Through 150 Nottingham Court/Montvale Commons Parking Lot
- c. Re-consideration/U.S. Soccer Foundation/Safe Place To Play Grant – June 1<sup>st</sup> Deadline

**ATTORNEY REPORT:**

Philip Boggia, Esq.  
Report/Update

**UNFINISHED BUSINESS:**

- a. Montvale Fire Department/Required Change In Titles/Via Resolutions
- b. Borough of Hillsdale &The Township of RiverVale Notice of Motion For Stay Withdraw From Pascack Valley Reg. H.S.
  - 1) Dept. of Education/2014-2015/Municipal Percentage Shares For Tax Levies Reg. School Districts & Districts Merged

**NEW BUSINESS:**

**COMMUNICATION CORRESPONDENCE:**

**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.

**MEETING CLOSED TO THE PUBLIC:**

**ADJOURNMENT** The next Meeting of the Mayor and Council will be held May 13, 2014 at 7:30 p.m.

**CLOSED/EXECUTIVE SESSION:**

Motion to move into Executive Session as provided for by Resolution No. 15-2014 adopted on January 6, 2014 and posted on the bulletin board in the Municipal Building:

The Mayor and Council will go into a Closed /Executive Session for the following:

Litigation/Attorney Client Privilege:

- a. United Water NJ/BPU

Minutes to be disclosed as per the Open Public Meetings Act upon approval of minutes.

**MEETING OPEN TO PUBLIC:**

**MEETING CLOSED TO PUBLIC:**

\*\*\*\*\*Disclaimer\*\*\*\*\*

Subject To Additions And/Or Deletions

**PUBLIC MEETING  
MINUTES**

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:30 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 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: Borough Attorney, Joe Voytus, Esq.; Borough Engineer, Andy Hipolit; Administrator/Municipal Clerk, Maureen Iarossi-Alwan; and Deputy Municipal Clerk, Fran Scordo

**ROLL CALL:**

Councilmember Cudequest	Councilmember LaMonica
Councilmember Curry	Councilmember Lane
Councilmember Ghassali	Councilmember Talarico

**Appreciation Recognition/ Ray Woodward**

Mayor Fyfe presented Ray Woodward with a plaque

**Presentation/NJ Energy Group/Energy Aggregation**

Stephen Thayer, Daniel Campbell & Michael Slapp  
Presentation included with original minutes

**ORDINANCES:**

**PUBLIC HEARING ORDINANCE NO.2014 -1387 CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the governing body of the Borough of Montvale in the County of Bergen finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the governing body hereby determines that a 3.0% increase in the budget for said year, amounting to \$305,592.50 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the governing body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the governing body of the Borough of Montvale in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Borough of Montvale shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$356,524.59, and that the CY 2014 municipal budget for the Borough of Montvale be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Ordinance No. **2014- 1387** was introduced for second and final 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 LaMonica  
- all ayes

**NO PUBLIC COMMENT**

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember LaMonica  
- all ayes

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

**Resolution No. 66- 2014 Self-Examination of 2014 Municipal Budget**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Montvale has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2014 budget year.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Montvale that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget.
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law).
  3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
  4. That pursuant to the Local Budget Law:
    - a. All estimates of revenue are reasonable, accurate, and correctly stated;
    - b. Items of appropriations are properly set forth
    - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
  5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
  6. That all other applicable statutory requirements have been fulfilled.
- BE IT FURTHER RESOLVED**, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Introduced by: Councilmember Lane; seconded by Councilmember Cudequest - A roll call was taken - All ayes

**PUBLIC HEARING 2013 MUNICIPAL BUDGET**

**MEETING OPEN TO PUBLIC:**

Municipal Budget Only

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

**NO PUBLIC COMMENT**

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

**MEETING CLOSED TO PUBLIC:**

Municipal Budget Only

**ADOPTION 2014 MUNICIPAL BUDGET**

**Resolution No. 67- 2014 Adoption of 2014 Municipal Budget**

Original Resolution provided by Municipal Auditor included with minutes

Introduced by: Councilmember Lane; seconded by Councilmember Cudequest - A roll call was taken - All ayes

**MINUTES:**

March 25, 2014

A motion to accept the minutes by Councilmember Lane; seconded by Councilmember Cudequest - all ayes

**RESOLUTIONS:**

**68-2014 Authorize Hiring / Part Time On Call / Crossing Guard /Martin Marquez**

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

**WHEREAS**, Martin Marquez 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 April 9, 2014.

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

**69-2014 Borough of Montvale Fire Department LOSAP Eligible' s**

**WHEREAS**, The Borough of Montvale, has adopted a LOSAP program for the members of the Montvale Fire Department; and

**WHEREAS**, to be eligible for the annual \$1,150.00 stipend for 2013, totaling \$23,000 for the Department, the Montvale Fire Department must meet certain criteria; and

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the Borough Treasurer initiate LOSAP payments in the name of those Fire Department members deemed eligible to receive them.

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

**70-2014 Sale of Surplus/Property/Use of GovDeals/Online Auction**

**WHEREAS**, the Borough of Montvale is the owner of certain surplus property which is no longer needed for public use; and

**WHEREAS**, the Governing Body is desirous of selling said surplus property in an "as is" condition without express or implied warranties.

**NOW THEREFORE, be it RESOLVED** by the Governing Body of The Borough of Montvale, Bergen County, State of New Jersey, as follows:

(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Borough of Montvale.

(2) The sale will be conducted online and the address of the auction site is govdeals.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(4) A list of the surplus property to be sold is as follows is attached to the original of this resolution.

(5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Borough of Montvale reserves the right to accept or reject any bid submitted.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale County of Bergen, State of New Jersey the Mayor and/or Municipal Clerk are authorized to execute the agreement with GovDeals, and any and all documents necessary for the auction of surplus municipal property.

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

**BILLS:** Municipal Clerk read the Bill Report.

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

**REPORT OF REVENUE:** Municipal Clerk read the Report of Revenue

**COMMITTEE REPORTS:**

**Councilmember Curry**

**Local BOE**

Public hearing on the school budget, Tues April 29<sup>th</sup>;

**Recreation**

All Spring programs are up and running; Tennis round robin will begin the first Thursday after Memorial Day;

**Construction**

Permits have been increasing; Field Coordinator software was installed and is working well;

**Councilmember Ghassali**

**Administration**

Department heads attended a bi-annual training which is required by the insurance to go over policy and procedures;

**Councilmember LaMonica**

**Chamber of Commerce**

June 1<sup>st</sup> – Street fair; Networking Breakfast will be held at Davey's Locker on April 9 at 7:30 am;

**Transit shuttle**

Riders have been steady

**Keeping it Green**

Bergen County Clean Communities clean-up day will be held on April 26<sup>th</sup>; Registration will begin at 8:45am at the Red shed; lunch will be provided by Davey's Locker;

**Councilmember Cudequest**

**Environmental Commission**

On March 17 the Shoppes at DePiero's came before the board, due to inconsistencies with the landscaping, the plans were not approved;

**Regional High School Board**

April 23<sup>rd</sup> the Hills-Valley Coalition will be presenting a program entitled "the Face of Addiction, a Family Portrait" at 7pm at Pascack Valley HS

**Councilmember Talarico**

**Police**

Monthly report included in original minutes

**Tri-Boro**

39 calls; 583 miles; 59 hours; 50 crew hours all by Montvale

**OEM**

Completed re-certification with the State of NJ which will expire in March 2018

**Councilmember Lane**

**Fire Dept**

30 fire calls; 2 drills; 4 extra credits;

Two resolutions are needed; one for the Assistant Chief to be changed to Deputy Chief and the other resolution is for the new fire truck Houston Galveston Cooperative; Will host Mother's Day pancake breakfast;

**Mayor Fyfe**

Library

12,098 circulation; 6,122 patron visits; 33 library cards issued; Friends of the Library will be raffling off a painting of DePiero's Farm on Wednesday, May 28<sup>th</sup>; Dining for Dollars will be held at Davey's Locker, April 28, 29 and May 1<sup>st</sup>

The Mayor would like feedback from the residents on the energy presentation that took place this evening; he would like to thank all the athletic organizations for their cooperation with scheduling field use; thanked Lt. Piatt for getting Montvale re-certified for OEM; the Mayor visited Am-Tree Nursery School and read to the children.

**ENGINEER'S REPORT:**

Andrew Hipolit

Report/Update

a. Review/Overview of Proposed Streets/2014 Road Improvement Program

1) Granting Authorization To Prepare Specifications & Competitively Bid

Will provide list to council for their review

b. Bergen County Cooperative Ramp Program/Grand Ave/Spring Valley Road/Summit Avenue/Recommendation of Award

1) Proposed Draft Reso. 71-2014 Award To Concrete Construction/Ramp Program

**71-2014 Award Professional Service Contract/Bergen County Cooperative Curb Ramp Program/Concrete Construction Corporation**

**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 bid the project and 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 \$240,000.00 which is based on 96 location within the Borough which have been approved by Bergen County; and

**WHEREAS**, Montvale will be reimbursed the initial 50% of construction cost upfront upon this award to Concrete Construction. Final amount of reimbursement will be based on final as-built quantities of work approved by Bergen County. Attached to the original of this resolution is Bergen County Resolution No. 1877-12; and

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale award a contract to Concrete Construction Corporation for the Bergen County Cooperative Curb Ram Program for an amount not to exceed \$240,000.00

Introduced by: Councilmember Lane; seconded by Councilmember LaMonica - A roll call was taken  
- All ayes

c. Update United Water/Water Main Installation/Montvale Commons

Provided paperwork to United Water and waiting for a date to begin

**ATTORNEY REPORT:**

Joe Voytus, Esq.

Report/Update

No Report

**UNFINISHED BUSINESS:**

- a. Discussion/Mulch/Tub Grinding Cost Estimates/Hauling Estimates

Grind what currently is there and give to the residents; a motion to accept the proposal from Ken Tree Service by Councilmember Lane; seconded by Councilmember LaMonica – all ayes

- b. Proposed Montvale Tree Removal & Protection Ordinance

- 1) Explanation of Changes Made To Prior Draft Ordinance
- 2) Deletions/Additions/Amendments
- 3) New Proposed Draft Ordinance

After a brief discussion by Councilmembers, it was decided to have the Borough Planner attend the next public meeting to further discuss some concerns by Councilmembers.

**NEW BUSINESS:**

- a. Montvale Bd. Of Education/Request For Permit Fee Waivers

A motion by Councilmember Ghassali; seconded by Councilmember Lane to waive permit fees;

**COMMUNICATION CORRESPONDENCE:**

- a. State of NJ/Dept. of Education/Petition For Authorization To Conduct A Referendum On The Withdrawal of Woodcliff Lake From The PVRSD

Woodcliff Lake initiated the petition. Waiting to see if this will be a special election or a general election.

**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 Cudequest  
- All ayes

Jeff Piatt, 21 Ladik Place

Stated he received an excess sewer charge, and he feels because he is watering his lawn he should not have to pay the excess charge;

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

**MEETING CLOSED TO THE PUBLIC:**

A motion to go into Closed Session by Councilmember Lane; seconded by Councilmember Ghassali  
- all ayes

**ADJOURNMENT** The next Meeting of the Mayor and Council will be held April 29, 2014 at 7:30 p.m.  
Motion to adjourn Public Meeting by Councilmember Lane; seconded by Councilmember Cudequest  
- all ayes

Meeting was adjourned at 9:25pm

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



**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 72-2014**

**Resolution Of The Borough Of Montvale, County Of Bergen, State Of New Jersey,  
Authorizing The Acceptance Of Credit Card Payments For The Collection Of Municipal  
Court Fees In Accordance With The Provisions Of N.J.A.C. 5:30-9.1 Et Seq.**

**WHEREAS**, the Department of Community Affairs, Division of Local Government Services has promulgated regulations, N.J.A.C. 5:30-9.1 et seq., authorizing municipalities to accept credit card payments in accordance with the provisions of the Administrative Code, and in regard to transactions related to municipal court, pursuant to the Rules of the Court promulgated by the New Jersey State Supreme Court; and

**WHEREAS**, in order for a municipality to accept credit card payments, a resolution must be adopted by the governing body authorizing the same and stating the type of obligations which can be paid by electronic receipt and the types of electronic receipt that will be permitted; and

**WHEREAS**, it is the desire of the mayor and governing body to authorize the payment of municipal court fees and fines, and other fees, costs or payments associated with the operation of the municipal court; and

**WHEREAS**, it is the intention of the mayor and governing body to authorize the Municipal Court Office to accept payment by credit card for those fees, costs, or other payments associated with that department as set forth above; and

**WHEREAS**, the utilization of credit cards for payment of these taxes, fees, costs, or fines must be in accordance with the provisions of N.J.A.C. 5:30-9.1 et seq., and in regard to the municipal court, in compliance with the Rules of Court adopted by the New Jersey Supreme Court

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

1. That the mayor and council authorize the Municipal Court Office to accept credit card payments for the payment of municipal court fees, fines, and such other payments that may be due to the municipal court.

2. That the use of credit cards for payment in regard to the Municipal Court is subject to the provisions of N.J.A.C. 5:30-9.1 as well as the Rules of Court adopted by the New Jersey Supreme Court, and such guidelines as the Supreme Court may adopt in regard to the acceptance of credit card payments for municipal court obligations.

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Cudequest						
Curry						
Ghassali						
LaMonica						
Lane						
Talarico						

**Adopted: April 29, 2014**

ATTEST:

APPROVED:

\_\_\_\_\_  
 Maureen Iarossi-Alwan  
 Municipal Clerk

\_\_\_\_\_  
 Roger J. Fyfe  
 Mayor

CERTIFICATION



**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 73-2014**

**RE: Authorizing Hiring / Full Time Police Department Secretary/H. McGee**

**WHEREAS**, the Borough of Montvale's Police Department is in need of hiring a full-time secretary; and

**WHEREAS**, On February 1, 2012 Heather McGee became employed in the capacity of a part-time police department secretary and has met the qualifications for this position and agrees to the terms and conditions of full time 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 the above named individual is hereby appointed as a full-time employee, effective May 1, 2014.

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Cudequest						
Curry						
Ghassali						
LaMonica						
Lane						
Talarico						

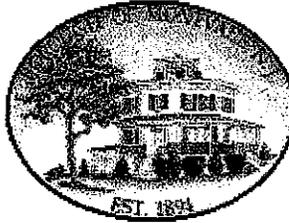
**Adopted: April 29, 2014**

ATTEST:

APPROVED:

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Roger J. Fyfe  
Mayor



**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 74-2014**

**RE: Adopting Personnel Policies and Procedures Manual**

**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 Mayor & Council 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 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 Borough of Montvale 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 Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Borough Administrator and the Borough Attorney shall assist the Mayor & Council in the implementation of the policies and procedures in this manual

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Cudequest						
Curry						
Ghassali						
LaMonica						
Lane						
Talarico						

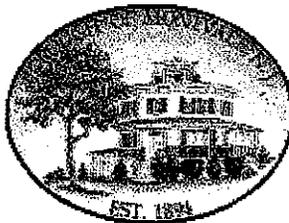
**Adopted: April 29, 2014**

ATTEST:

APPROVED:

\_\_\_\_\_  
 Maureen Iarossi-Alwan  
 Municipal Clerk

\_\_\_\_\_  
 Roger J. Fyfe  
 Mayor



**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 75-2014**

**RE: RESOLUTION TO AFFIRM THE BOROUGH OF MONTVALE'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

**WHEREAS**, it is the policy of Borough of Montvale to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the governing body of Borough of Montvale has determined that certain procedures need to be established to accomplish this policy

**NOW, THEREFORE BE IT ADOPTED** by the Mayor & Council of the Borough of Montvale that:

**Section 1:** No official, employee, appointee or volunteer of the Borough of Montvale by whatever title known, or any entity that is in any way a part of the Borough of Montvale shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Montvale's business or using the facilities or property of the Borough of Montvale.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Montvale to provide services that otherwise could be performed by the Borough of Montvale.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Montvale as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Montvale. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Montvale web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Borough of Montvale in order for the public to be made aware of this policy and the Borough of Montvale's commitment to the implementation and enforcement of this policy.

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Cudequest						
Curry						
Ghassali						
LaMonica						
Lane						
Talarico						

**Adopted: April 29, 2014**

ATTEST:

APPROVED:

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Roger J. Fyfe  
Mayor



**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 76-2014**

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE  
PLAN DOCUMENT DETAILING THE BENEFITS AFFORDED UNDER THE  
BOROUGH'S VISION BENEFIT PROGRAM**

**WHEREAS**, the Borough of Montvale (hereinafter, the Borough) provides an Employee Health Benefits Program consisting of medical, prescription, dental and vision benefits; and

**WHEREAS**, the Municipality self-administered the vision benefit and has determined, the process is cumbersome and would be best administered by a Third Party Administrator (TPA) versed and experienced in administering the benefit and adjudicating the claims thereof; and

**WHEREAS**, the Borough's Health Benefits Consultant (hereinafter, the HBC) performed due diligence in obtaining a TPA to perform such services and established, in concurrence with the Borough, that Insurance Design Administrators (IDA) provided the most competitive proposal for administering these claims on behalf of the Borough in accordance with the contractual and moral obligation of the Borough; and.

**WHEREAS**, the Borough engaged the services of IDA for the adjudication of vision benefits on a self-funded platform, effective 1/1/14 and as part of the scope of services, IDA was to provide a Plan Document to provide clarity and structure to the adjudication of such claims in accordance with the practices of the Borough, consistent with the contractual obligations.

**NOW, THEREFORE BE IT RESOLVED**, the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, hereby accepts and ratifies the Plan Document for vision benefits, as developed by the TPA and reviewed and affirmed by the Health Benefits Consultant and annexed hereto and is recognized as the current Plan Document for vision benefits, until such time as a successor document(s) shall be qualified; and

**BE IT FURTHER RESOLVED**, the Governing Body hereby directs the Borough Administrative Officer/Borough Clerk to execute the necessary signature pages and coordinate the distribution of the plan design to all covered employees of the Borough; and

**BE IT FURTHER RESOLVED**, a certified copy of this Resolution shall be forwarded to PIA Security Programs, 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Health Benefits Consultant to the Borough.

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Cudequest						
Curry						
Ghassali						
LaMonica						
Lane						
Talarico						

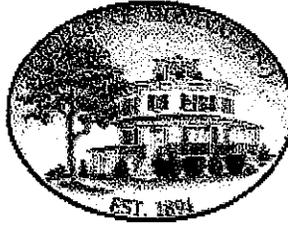
**Adopted: April 29, 2014**

ATTEST:

APPROVED:

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Roger J. Fyfe  
Mayor



**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 77-2014**

**RE: A Resolution Authorizing the Execution of a Settlement Agreement Concerning the Litigation Captioned *Borough of Park Ridge v. Borough of Montvale, et al.*, Docket No. BER-C-341-13**

**Whereas**, the Borough of Park Ridge previously filed litigation against the Borough of Montvale, the Borough of Woodcliff Lake, the Bergen County Prosecutor's Office, and Matrix Consulting, Ltd., concerning the parties' respective legal rights and obligations surrounding a police consolidation feasibility study conducted by Matrix Consulting; and

**Whereas**, to avoid further expense and litigation, the parties have agreed to resolve all issues raised in the referenced action and all issues that could have been raised in the referenced action; and

**Whereas**, in exchange for mutual releases, this settlement shall include a payment by each of the three Boroughs to Matrix in the amount of \$7,000.00 in full satisfaction of all amounts owed to Matrix, on the condition and based upon the representation that the Bergen County Prosecutor's Office will relinquish any claim for the repayment of any and all monies previously reimbursed to the Boroughs for payments made to Matrix.

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Montvale, that the Mayor and Borough Clerk are hereby authorized and empowered to execute all necessary documents to effectuate the settlement of the above-captioned litigation, subject to approval as to form by the Borough Attorney.

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Cudequest						
Curry						
Ghassali						
LaMonica						
Lane						
Talarico						

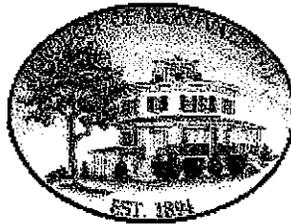
**Adopted: April 29, 2014**

ATTEST:

APPROVED:

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Roger J. Fyfe  
Mayor



**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 78-2014**

**RE: A PROCLAMATION PROCLAIMING MAY 1, 2014 AS "KEEP KIDS ALIVE DRIVE 25 DAY®" IN THE BOROUGH OF MONTVALE.**

*WHEREAS, KEEP KIDS ALIVE DRIVE 25® is a 501c3 non-profit organization working with police departments, public works departments, schools, businesses, neighborhood associations, and concerned citizens in communities across the country to decrease speeding in residential neighborhoods; and*

*WHEREAS, their mission is to educate people on the serious consequences of driving above the posted residential speed (typically 25mph or less), and encourage and remind everyone to drive at or below the legal limit; and*

*WHEREAS, KEEP KIDS ALIVE DRIVE 25® heightens public awareness and reminds motorists not to speed, as well as to obey to all traffic laws.*

*WHEREAS, KEEP KIDS ALIVE DRIVE 25® is encouraging communities to increase their efforts to inform the public about the speeding problem and the significant danger to children as summer approaches; and*

*WHEREAS, the organization is asking Borough of Montvale to join communities across the country in a significant national public awareness campaign kicking off on May Day, May 1, 2014; and*

*WHEREAS, they will assist our community in this effort by making available educational resources and ideas for hosting special events in neighborhoods, schools and businesses, etc.; and*

*WHEREAS, the goal of this awareness campaign is to save the lives of children and all pedestrians and cyclists in our community;*

**NOW THEREFORE, The Mayor & Council of the Borough of Montvale do hereby proclaim May 1, 2014 as KEEP KIDS ALIVE DRIVE 25® DAY in The Borough of Montvale.**

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Cudequest						
Curry						
Ghassali						
LaMonica						
Lane						
Talarico						

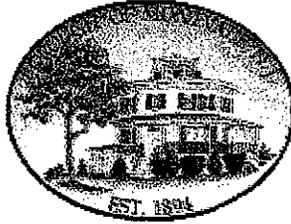
**Adopted: April 29, 2014**

ATTEST:

APPROVED:

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Roger J. Fyfe  
Mayor



**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 79-2014**

**RE: Authorize Release of Escrow/Block 1501/Lot 19.02/5 Quail Ridge Rd.**

**WHEREAS**, the Borough Engineer, recommends the release and takes no exception to the release of the escrow funds posted for Block 1501/Lot 19.02 as all required inspections have been conducted; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale hereby release the remaining escrow funds in the amount of \$454.50 to Donald Watson, 5 Quail Ridge Road, Montvale, NJ 07645 ; and

**BE IT FURTHER RESOLVED**, the Borough Treasurer hereby receives a copy of this resolution for processing.

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Cudequest						
Curry						
Ghassali						
LaMonica						
Lane						
Talarico						

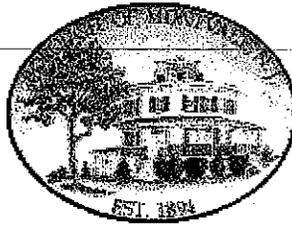
**Adopted: April 29, 2014**

ATTEST:

APPROVED:

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Roger J. Fyfe  
Mayor



**BOROUGH OF MONTVALE  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 80-2014**

**RE: Resolution Authorizing the Borough of Montvale to Join HGACBuy Through Execution of an Interlocal Agreement**

**Whereas**, pursuant to P.L. 2011, c.139, the Borough of Montvale is authorized to enter into and utilize certain national cooperative purchasing contracts; and

**Whereas**, the Houston-Galveston Area Council (“H-GAC”) administers the HGACBuy program, a cooperative purchasing program that is available to local government units nationwide; and

**Whereas**, the terms and conditions of the HGACBuy program satisfy the requirements of New Jersey law concerning such national cooperative purchasing programs; and

**Whereas**, in order to utilize the provisions of a contract awarded by HGACBuy, the Borough of Montvale is required to enter into an interlocal agreement with H-GAC setting forth the terms and conditions of the Borough of Montvale’s participation in the HGABuy program; and

**Whereas**, the HGACBuy program does not charge the Borough of Montvale any type of membership or service fee; and

**Whereas**, the Borough of Montvale is desirous of entering into an interlocal agreement with H-GAC in order to utilize the contracts available under the HGACBuy program.

**Now, Therefore, Be It Resolved** that the Borough of Montvale does hereby authorize and empower the Mayor and/or Borough Administrator to execute all necessary documents in order to implement the purpose of this resolution, subject to approval as to form by the Borough Attorney.

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Cudequest						
Curry						
Ghassali						
LaMonica						
Lane						
Talarico						

**Adopted: April 29, 2014**

ATTEST:

APPROVED:

\_\_\_\_\_  
Maureen Iarossi-Alwan  
Municipal Clerk

\_\_\_\_\_  
Roger J. Fyfe  
Mayor

RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, N.J., that the following bills, having been referred to the Borough Council and found correct, be and the same hereby be paid:

<u>FUND</u>	<u>AMOUNT</u>	<u>NOTES</u>
Current	\$564,772.52	Bill List Wire 4/29/14
	<u>912,786.43</u>	Wires/Manual Checks
Current TOTAL	1,477,558.95	
Escrow - Trust	30,528.73	Bill List Wire 4/29/14
Housing	557.17	Bill List Wire 4/29/14
Engineering Trust	240.00	Bill List Wire 4/29/14
Dog Trust	50.40	Bill List Wire 4/29/14

*This resolution was adopted by the Mayor and Council of Montvale at a meeting held on 4/29/14*

Introduced by: \_\_\_\_\_

Approved: 4/29/14

Seconded by: \_\_\_\_\_

\_\_\_\_\_  
Roger Fyfe, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Iarossi-Alwan, Municipal Clerk

**MANUAL/VOID CHECKS - WIRES**  
**April 29, 2014**

<u>Check #</u>	<u>PO #</u>	<u>Date</u>	<u>Transaction/Vendor</u>	<u>Amount</u>
WIRE		4/10/14	Payroll Account	123,085.87
WIRE		4/10/14	Salary Account	71,093.91
WIRE		4/10/14	FSA Account	449.65
WIRE		4/23/14	PERS annual payment	226,509.00
WIRE		4/23/14	PFRS annual payment	<u>491,648.00</u>
	Total			<u>912,786.43</u>





Vendor # Name	PO #	PO Date	Description	Amount	Contract Charge Account	PO Type	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
00164 STATELINE FIRE & SAFETY, INC.													
	14-00412	04/03/14	10 LB CO2 EXT.REFILLED										
			1 10 LB CO2 EXT.REFILLED	33.00	4-01-25-752-102		B OXYGEN TANK/FIRE EXT - M & R	R	04/03/14	04/24/14		93988	N
			Vendor Total:	33.00									
00215 TOWNSHIP OF RIVER VALE													
	14-00273	02/27/14	PASCACK VALLEY DPW SERVICES/14			B							
			5 PASCACK VALLEY DPW SERVICES	120,777.00	4-01-37-850-029		B OTHER CONTRACTUAL - PASCACK VALLEY DPW	R	04/22/14	04/24/14		MAY 2014	N
			Vendor Total:	120,777.00									
00216 MILLER, CLINTON B.													
	14-00454	04/14/14	CLEAR FIRE HYDRANTS OF SNOW										
			1 CLEAR FIRE HYDRANTS OF SNOW	75.00	4-01-25-752-135		B DISASTER PREPAREDNESS	R	04/14/14	04/24/14		4/2/2014	N
			Vendor Total:	75.00									
00250 FIRE AND SAFETY SERVICES LTD													
	14-00296	03/06/14	REPLACE BATTERY CHARGER IN M5										
			1 REPLACE BATTERY CHARGER IN M5	1,412.97	4-01-26-767-099		B VEHICLE MAINT/PARTS - FIRE	R	03/06/14	04/24/14		SI14-0533	N
			Vendor Total:	1,412.97									
00258 ROCKLAND ELECTRIC													
	14-00422	04/07/14	ROCKLAND ELECTRIC CHARGES/MAR.										
			1 2310843006 ALAYNA ASSOC.	38.19	4-01-38-854-029		B OTHER CONTRACTUAL ITEMS	R	04/07/14	04/24/14		MARCH	N
			2 5208845000 159 CHESTNUT RDG RD	57.34	4-01-31-825-071		B ELECTRICITY	R	04/07/14	04/24/14		MARCH	N
			3 9534844006 SPRING VALLEY MTLBX	36.72	4-01-31-825-071		B ELECTRICITY	R	04/07/14	04/24/14		MARCH	N
			4 0700055009 HUFF TER PUMP 57088	385.11	4-01-31-825-071		B ELECTRICITY	R	04/07/14	04/24/14		MARCH	N
			5 0052060009 30 CHESTNUT RDG TFL	26.88	4-01-31-825-071		B ELECTRICITY	R	04/07/14	04/24/14		MARCH	N
			6 1619931002 VALLEY VIEW SWR LFT	815.84	4-01-31-825-071		B ELECTRICITY	R	04/07/14	04/24/14		MARCH	N
			7 5985845006 CHESTNUT RDG MTLBX	44.11	4-01-31-825-071		B ELECTRICITY	R	04/07/14	04/24/14		MARCH	N
			8 5229845000 CHESTNUT RDG BALLFI	18.03	4-01-31-825-071		B ELECTRICITY	R	04/07/14	04/24/14		MARCH	N
				1,422.22									
14-00429 04/08/14 ROCKLAND ELECTRIC CHARGES/MAR													
			1 8822932014 12 MERCEDES DR	7,541.53	4-01-31-825-078		B ELECTRICITY - 12 MERCEDES	R	04/08/14	04/24/14		MARCH	N









Vendor # Name	PO #	PO Date	Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
00674 MARIANA RODRIGUEZ												
	14-00458	04/14/14	CLEAR FIRE HYDRANTS OF SNOW									
	1		CLEAR FIRE HYDRANTS OF SNOW	75.00	4-01-25-752-135	B DISASTER PREPAREDNESS	R	04/14/14	04/24/14		4/2/2014	N
			Vendor Total:	75.00								
00677 ANTHONY FAVA												
	14-00459	04/14/14	CLEAR FIRE HYDRANTS OF SNOW									
	1		CLEAR FIRE HYDRANTS OF SNOW	75.00	4-01-25-752-135	B DISASTER PREPAREDNESS	R	04/14/14	04/24/14		4/2/2014	N
			Vendor Total:	75.00								
00699 ATLANTIC TOMORROWS OFFICE												
	14-00303	03/07/14	PD INK CARTRIDGES									
	1		CHIEF'S & COMM CTR INK	529.00	4-01-25-745-036	B OFFICE SUPPLIES	R	03/07/14	04/24/14		ARIN239717	N
			Vendor Total:	529.00								
00731 MASER CONSULTING P.A.												
	14-00358	03/20/14	ESCROW PAYMENTS									
	1		MONTV. DEVELOP.ASSOC 2802/2&3	1,455.00	E-08-00-213-07A	B Mtv1 Dev-Hekemian Group (2802/2&3)	R	03/20/14	04/24/14		229210	N
	2		ROCKLAND BUILT HOMES 1501/1	100.00	E-08-00-213-17A	B Rockland Built Homes (1501/1)	R	03/20/14	04/24/14		229214	N
	3		ETHAN HOMES LLC 2509/35	77.50	E-08-00-211-11A	B Ethan Homes LLC (2509/35)	R	03/20/14	04/24/14		229211	N
				1,632.50								
	14-00385	03/27/14	ESCROW PAYMENT									
	1		LIFETIME FITNESS 3302/2	16,207.50	E-08-00-211-02A	B LTF Real Estate Company Inc. (3302/2)	R	03/27/14	04/24/14		220766	N
	2		LIFETIME FITNESS 3302/2	1,380.00	E-08-00-211-02A	B LTF Real Estate Company Inc. (3302/2)	R	03/27/14	04/24/14		224080	N
				17,587.50								
	14-00413	04/03/14	GENERAL ENGINEERING TR11/24/13									
	1		GENERAL ENGINEERING SERVICES	6,312.50	3-01-20-715-029	B OTHER CONTRACTUAL ITEMS	R	04/03/14	04/24/14		220750	N
	14-00414	04/03/14	DUGAN 502/8									
	1		DUGAN 502/8	240.00	T-03-56-286-008	B TRUST - RESERVE FOR ENGINEER	R	04/03/14	04/24/14		229240	N
	14-00416	04/03/14	GENERAL ENGINEERING 3/16/2014									
	1		GENERAL ENGINEERING SERVICES	2,884.50	4-01-20-715-029	B OTHER CONTRACTUAL ITEMS	R	04/03/14	04/24/14		230739	N



April 24, 2014  
11:07 AM

Borough of Montvale  
Bill List By Vendor Id

Vendor # Name	PO #	PO Date	Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Exc
00964 RAY HUTCHISON	14-00451	04/14/14	CLEAR FIRE HYDRANTS OF SNOW									
	1		CLEAR FIRE HYDRANTS OF SNOW	75.00	4-01-25-752-135	B DISASTER PREPAREDNESS	R	04/14/14	04/24/14		4/2/2014	N
	Vendor Total:			75.00								
01020 PROFESSIONAL INSURANCE ASSOC.	14-00427	04/07/14	POLICY RENEWAL VOLUNTEER FIREM									
	1		VOLUNTEER FIREMEN'S INSURANCE	3,407.00	4-01-23-730-029	B OTHER CONTRACTUAL ITEMS	R	04/07/14	04/24/14		95790	N
	Vendor Total:			3,407.00								
01062 PHILLIPS PREISS GRYGIEL LLC	14-00345	03/18/14	ESCROW PAYMENTS									
	1		DELBEN III 302&1002/1,4,7	1,500.00	E-08-00-208-21A	B KHOV DELBEN II 302&1002/1,4&7	R	03/18/14	04/24/14		18399	N
	2		DE PIERO HEKEMIAN GR. 2802/2	2,535.00	E-08-00-213-07A	B Mtv Dev-Hekemian Group (2802/2&3)	R	03/18/14	04/24/14		18416	N
				4,035.00								
14-00346	03/18/14	MONTVALE TREE-PRESERVATION										
	1		MONTVALE TREE-PRESERVATION	2,960.00	4-01-21-720-028	B OTHER PROF/CONSULTANT SERVICES	R	03/18/14	04/24/14		18462	N
14-00370	03/24/14	ESCROW PAYMENT										
	1		DEPIERO LITIGATION 2802/2&3	1,395.00	E-08-00-213-08A	B Mtv Dev Assoc-MP/Ord Litigation	R	03/24/14	04/24/14		18415	N
	Vendor Total:			8,390.00								
01132 COOPERATIVE COMMUNICATIONS, INC	14-00437	04/09/14	COOPERATIVE COMM. PHONE CHARGES									
	1		2013915700 COOPERATIVE	2,135.60	4-01-31-827-076	B TELEPHONE CHARGES	R	04/09/14	04/24/14		4/1/14	N
	2		2013915700 COOPERATIVE	1,379.75	3-01-31-827-076	B TELEPHONE CHARGES	R	04/09/14	04/24/14		12/01/13	N
				3,515.35								
	Vendor Total:			3,515.35								
01156 HESS CORPORATION	14-00431	04/08/14	HESS ELECTRIC CHARGES/MARCH									
	1		0157026009 1 MEMORIAL LT FIELD	12.35	4-01-31-825-071	B ELECTRICITY	R	04/08/14	04/24/14		ES14007316	N
	2		0195092007 GRAND SOPK 87/97	28.94	4-01-31-825-071	B ELECTRICITY	R	04/08/14	04/24/14		ES14007316	N



Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
01373 DOMESTIC HOME CARE	14-00406	04/02/14	PD MV/CELL DISINFECTING										
	1		PD MV/CELL DECONTAMINATION	300.00		4-01-25-745-058	B OTHER EQUIPMENT & SUPPLIES	R	04/02/14	04/24/14		066	N
Vendor Total:				300.00									
01379 MARLY FRASCIELLO	14-00511	04/24/14	REIM KEYS FOR ACCREDITATION										
	1		REIM KEYS FOR ACCREDITATION	13.90		4-01-25-745-058	B OTHER EQUIPMENT & SUPPLIES	R	04/24/14	04/24/14		REIMB.KEYS PD	N
	2		DET BUREAU KEYS	20.00		4-01-25-745-058	B OTHER EQUIPMENT & SUPPLIES	R	04/24/14	04/24/14		REIMB.KEYS PD	N
	3		REIM KEYS FOR ACCREDITATION	61.00		4-01-25-745-058	B OTHER EQUIPMENT & SUPPLIES	R	04/24/14	04/24/14		REIMB.KEYS PD	N
				94.90									
Vendor Total:				94.90									
01645 BOROUGH OF WOODCLIFF LAKE	14-00382	03/27/14	SENIOR VAN PAYMENT-2013										
	1		SENIOR VAN PAYMENT-2013	27.73		3-01-26-767-119	B SENIOR VAN MAINTENANCE	R	03/27/14	04/24/14		SR VAN 2013	N
Vendor Total:				27.73									
01760 UNITED PARCEL SERVICE	14-00352	03/20/14	F047X6114 UPS CHARGES										
	1		F047X6114 UPS CHARGES/PL BD	21.20		4-01-21-720-022	B POSTAGE & EXPRESS CHARGES	R	03/20/14	04/24/14		6114	N
	2		F047X6114 UPS CHARGES/ADMIN.	15.96		4-01-20-701-022	B POSTAGE & EXPRESS CHARGES	R	03/20/14	04/24/14		6114	N
				37.16									
Vendor Total:				37.16									
01816 LIBRINO ELECTRIC CO. INC.	14-00453	04/14/14	CLEAR FIRE HYDRANTS OF SNOW										
	1		CLEAR FIRE HYDRANTS OF SNOW	75.00		4-01-25-752-135	B DISASTER PREPAREDNESS	R	04/14/14	04/24/14		4/2/2014	N
Vendor Total:				75.00									
02141 REGAN, ROBERT T., ESQ.	14-00390	03/31/14	ESCROW PAYMENTS										
	1		K.HOV DEL BEN 302/1 & 1002/7	4,275.00		E-08-00-208-21A	B KHOV DELBEN II 302&1002/1,4&7	R	03/31/14	04/24/14		11828	N

Vendor # Name	PO #	PO Date	Description	Amount	Contract Charge Account	PO Type	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
02141 REGAN, ROBERT T., ESQ.			Continued										
14-00390	03/31/14	ESCROW PAYMENTS			Continued								
2		ROCKLAND BUILT HOMES 1505/1	75.00	E-08-00-213-17A		B Rockland Built Homes (1501/1)	R	03/31/14	04/24/14			11834	N
3		APPL.MERCEDES BENZ 2702/1	45.00	E-08-00-213-11A		B Mercedes-Benz 2701/1,2801/2,3201/6	R	03/31/14	04/24/14			11835	N
4		JOVANOSKI APPLICATION 301/5	45.00	E-08-00-213-20A		B JOVANOSKI, TONI	R	03/31/14	04/24/14			11836	N
			<u>4,440.00</u>										
		Vendor Total:	4,440.00										
02408 MCDOWELL, DOUGLAS													
14-00465	04/15/14	REIM CLOTHING											
1		REIM CLOTHING	459.63	4-01-25-745-263		B MC DOWELL, DOUGLAS R-CLOTHING	R	04/15/14	04/24/14			REIMB.CLOTHING	N
		Vendor Total:	459.63										
03302 CULLEN, CATHERINE													
14-00476	04/15/14	CJOP Travel											
1		CJOP Travel	45.75	4-01-42-855-045		B TRAVEL	R	04/15/14	04/24/14			CJOP TRVL EXP	N
2		CJOP Travel	49.56	4-01-41-250-045		B TRAVEL	R	04/15/14	04/24/14			CJOP TRVL EXP	N
			<u>95.31</u>										
		Vendor Total:	95.31										
03589 DELL MARKETING LP													
14-00343	03/18/14	DELL COMPUTER TV ACCESS											
1		DELL COMPUTER TV ACCESS	1,303.90	4-01-20-716-058		B OTHER EQUIPMENT & SUPPLIES	R	03/18/14	04/24/14			XJCTD9525	N
		Vendor Total:	1,303.90										
03615 FRASCIELLO, MARLY													
14-00467	04/15/14	PETTY CASH/ APRIL											
1		PETTY CASH / APRIL	161.10	4-01-25-745-041		B MEAL REIMBURSEMENT	R	04/15/14	04/24/14			PETTY CASH APR.	N
		Vendor Total:	161.10										
03727 STAPLES ADVANTAGE													
14-00386	03/31/14	toner											
1		Toner	67.95	4-01-42-855-036		B OFFICE SUPPLIES	R	03/31/14	04/24/14			3227489247	N

Vendor # Name	PO #	PO Date	Description	Amount	Contract Charge Account	PO Type	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
03727 STAPLES ADVANTAGE				Continued									
14-00386	03/31/14	toner			Continued								
		2 Toner		73.61	4-01-41-250-036		B OFFICE SUPPLIES	R	03/31/14	04/24/14		3227489247	N
				141.56									
14-00409	04/02/14	HP 78A TONER CARTRIDGES											
		1 HP 78A TONER CARTRIDGES		121.24	4-01-20-701-036		B OFFICE SUPPLIES	R	04/02/14	04/24/14		3227489251	N
		Vendor Total:		262.80									
03773 NATIONAL FIRE PROTECTION ASSN													
14-00439	04/09/14	UCC NEC handbook 2014											
		1 UCC NEC Handbook 2014		157.90	4-01-22-725-033		B BOOKS & PUBLICATIONS	R	04/09/14	04/24/14		6117383Y	N
		Vendor Total:		157.90									
03900 BERGEN COUNTY FIRE PREVENTION													
14-00445	04/10/14	2014 ANNUAL DUES/FIRE PREVENT.											
		1 2014 ANNUAL DUES		150.00	4-01-25-753-044		B PROFESSIONAL ASSOCIATION DUES	R	04/10/14	04/24/14		2014 DUES	N
		Vendor Total:		150.00									
<hr/> <b>Total Purchase Orders: 74 Total P.O. Line Items: 149 Total List Amount: 596,148.82 Total Void Amount: 0.00</b> <hr/>													

Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total
CURRENT FUND 2013 BUDGET	3-01	8,996.52	0.00	8,996.52	0.00
CURRENT FUND 2013 BUDGET	4-01	555,776.00	0.00	555,776.00	0.00
	E-08	30,528.73	0.00	30,528.73	0.00
OTHER TRUST ACCOUNT	T-03	797.17	0.00	797.17	0.00
DOG TRUST ACCOUNT	T-12	50.40	0.00	50.40	0.00
Year Total:		847.57	0.00	847.57	0.00
Total of All Funds:		596,148.82	0.00	596,148.82	0.00



*Court Plaza North  
25 Main Street  
Hackensack, NJ 07602*

*Mailing Address:  
P.O. Box 2187  
South Hackensack,  
NJ 07606-0787  
(201) 342-2777  
FAX: (201) 342-1153*

March 31, 2014

Borough of Montvale  
12 Mercedes Drive  
Montvale, NJ 07645  
Mr. John DePinto, Planning Board Chairman

RE: Nottingham Manor – Block #1601 Lot#2  
1-186 Nottingham Court, Montvale, NJ 07645  
Request for easement

Dear Mr. DePinto,

We are the owners of Nottingham Manor, 1-186 Nottingham Court, Montvale, NJ 07645.

We have discovered that many of the residents of Nottingham Manor are accessing the train station through an area of our property that abuts the municipal lot on Kinderkamack Road, owned by the Borough.

We would like to provide a safer environment for access by installing a staircase to be used by these individuals.

We are requesting an easement from the Borough of Montvale to complete this project.

I would like the opportunity to speak with you and discuss this matter in detail.

Please contact me at your earliest convenience.

Very truly yours,

Victoria Tinen  
Residential Property Manager



Engineers  
Planners  
Surveyors  
Landscape Architects  
Environmental Scientists

**Corporate Headquarters**  
331 Newman Springs Road, Suite 203  
Red Bank, NJ 07701  
T: 732.383.1950  
F: 732.383.1984  
www.maserconsulting.com

## MEMORANDUM

**To:** Billing Managers, Business Development, Discipline Leaders, Geographic Leaders

**From:** Kelsey Howard, Grant Administrator

**Date:** January 7, 2014

**Re:** U.S. Soccer Foundation – Safe Places to Play Grant

---

**Application Deadline:** A Letter of Inquiry (LOI) must be submitted prior to the application. An LOI will receive a response within three (3) weeks of submittal. Applications are reviewed three (3) times per year:

1. February 1<sup>st</sup>
2. June 1<sup>st</sup>
3. October 1<sup>st</sup>

**Eligible Applicants:** Organizations with soccer-specific programming and IRS approved tax-exempt (501(c)(3)) status such as:

1. Churches;
2. Individual schools or school districts;
3. Cities; and,
4. Municipalities.

**Award Amount:**

1. Synthetic Turf – up to \$200,000
2. Lighting – up to \$50,000
3. Irrigation – up to \$15,000
4. Sport Court – up to \$65,000

**Eligible Projects:**

1. Installation of **synthetic turf** from FieldTurf
  - a. Funding can be applied toward new field construction or to the refurbishment of existing turf fields;
  - b. Applicants can request up to \$200,000 as in-kind credit with FieldTurf; and,
  - c. Preference is given to full size soccer fields.
2. Purchase of Musco **Lighting** products
  - a. Funding does NOT cover installation; and,
  - b. Applicants can request up to \$50,000 as in-kind credit with Musco Lighting.



3. **Purchase of Hunter Irrigation products**
  - a. Funding does NOT cover installation;
  - b. Applicants can request up to \$15,000 as in-kind credit with Hunter Irrigation; and,
  - c. Funding can ONLY be used for sprinklers, valves, and/or controllers; funding does NOT cover pipes, wires, fittings, electrical splices, etc.
4. **Installation of Sport Court**
  - a. Sport Court is an innovative modular (non-turf) sports surface for small-sided soccer or futsal; and,
  - b. Applicants can request up to \$65,000 as in-kind credit with Sport Court.

**Program Criteria:** The U.S. Soccer Foundation seeks to fund programs/projects that accomplish the following:

1. Focus on youth development (health, education, safety, etc.);
2. Organizations work with players in underserved urban areas;
3. Projects have diverse funding sources. U.S. Soccer Foundation should not account for more than 50% of the budget; and,
4. Programs and projects have a tangible impact on the community.

OFFICE  
GLENPOINTE CENTRE WEST  
500 FRANK W. BURR BLVD. SUITE 31  
TEANECK, NEW JERSEY 07666  
T: 201.928.1100 F: 201.928.0588  
WWW.DECOTIISLAW.COM

DIRECT  
MATTHEW D. CASSIDY, ESQ.  
MCASSIDY@DECOTIISLAW.COM  
201.347.2122

April 16, 2014

**Via UPS Overnight Mail**

David F. Corso, Assistant Commissioner  
Chairman, Board of Review  
Department of Education  
100 River View Executive Plaza, Route 29  
Trenton NJ 08625-0500

**Re: Petition of Woodcliff Lake Requesting Authorization to  
Conduct a Referendum to Withdraw from Pascack Valley  
Regional High School District**

Dear Assistant Commissioner Corso:

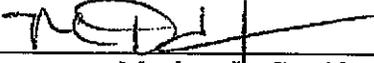
On behalf of the Borough of Hillsdale and the Township of River Vale, enclosed are original and copy of Notice of Motion for Stay with attached Certification of Service, supporting Brief, and proposed form of Order.

Kindly file same and return a stamped "filed" copy to this office in the envelope provided.

Thank you.

Respectfully yours,

**DeCOTIIS, FITZPATRICK & COLE, LLP**

By:   
Matthew D. Cassidy

MDC/sh  
Enc.



cc: Mr. Vito Gagliardi, Esq. (via e-mail)  
Maureen Iarossi-Alwan, Montvale Borough Administrator (via e-mail)  
Yas Usami, Montvale Business Administrator/Board Secretary (via e-mail)  
Matthew L. Lynaugh, Woodcliff Lake School Business Administrator/  
Board Secretary (via e-mail)  
Marian Lutz, Montvale Business Administrator/Board Secretary (via e-mail)  
Kelly Ippolito, River Vale Business Administrator/Board Secretary (via e-mail)  
Lirca Garcia, Hillsdale Business Administrator/Board Secretary (via e-mail)

**Matthew D. Cassidy, Esq.**  
**Attorney I.D. # 005612011**  
**DeCOTIIS, FITZPATRICK & COLE, LLP**  
Glenpointe Centre West  
500 Frank W. Burr Boulevard, Suite 31  
Teaneck, NJ 07666  
(201) 928-1100  
*Attorneys for the Borough of Hillsdale and  
The Township of River Vale*

IN RE:

PETITION FOR AUTHORIZATION TO  
CONDUCT A REFERENDUM ON THE  
WITHDRAWAL OF THE BOROUGH OF  
WOODCLIFF LAKE FROM PASCACK  
VALLEY REGIONAL SCHOOL DISTRICT

ADMINISTRATIVE ACTION

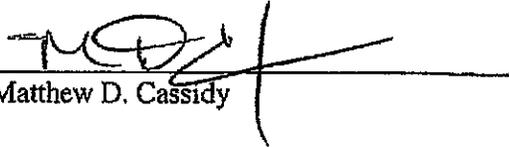
NOTICE OF MOTION FOR STAY OF  
ADMINISTRATIVE PROCEEDING

TO: David F. Corso,  
Assistant Commissioner  
Chairman, Board of Review  
State of New Jersey  
Department Of Education  
100 River View Executive Plaza, Route 29  
Trenton, NJ 08625-0500

PLEASE TAKE NOTICE that counsel for the Borough of Hillsdale and the  
Township of River Vale seeks a stay of the March 27, 2014 Decision of the Department  
of Education.

In support of this motion, the Borough of Hillsdale and the Township of River  
Vale shall rely on the accompanying Brief.

**DeCotiis, FitzPatrick & Cole, LLP**  
*Attorneys for the Borough of Hillsdale and  
The Township of River Vale*

By:   
Matthew D. Cassidy

Dated: April 17, 2014

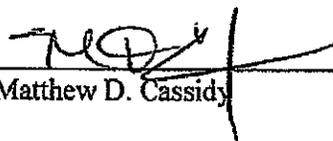
**CERTIFICATION OF SERVICE**

I hereby certify that this notice of motion and supporting documentation were filed with David F. Corso, Assistant Commissioner, Chairman, Board of Review via overnight courier.

I further certify that the following parties received this notice of motion and supporting documentation via e-mail:

- a. Mr. Vito Gagliardi, Jr., Esq.;
- b. Maureen Iarossi-Alwan, Montvale Borough Administrator;
- c. Yas Usami, Montvale Business Administrator/Board Secretary;
- d. Matthew L. Lynaugh, Woodcliff Lake School Business Administrator/Board Secretary;
- e. Marian Lutz, Montvale Business Administrator/Board Secretary;
- f. Kelly Ippolito, River Vale Business Administrator/Board Secretary; and
- g. Lirca Garcia, Hillsdale Business Administrator/Board Secretary

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are false, I am subject to punishment.

  
Matthew D. Cassidy

**Dated:** April 17, 2014

IN RE:

PETITION FOR AUTHORIZATION TO  
CONDUCT A REFERENDUM ON THE  
WITHDRAWAL OF THE BOROUGH OF  
WOODCLIFF LAKE FROM PASCACK  
VALLEY REGIONAL SCHOOL  
DISTRICT

**Administrative Action**

**Docket No.**

---

**BRIEF IN SUPPORT OF STAY OF THE DECISION OF THE  
BOARD OF REVIEW OF MARCH 27, 2014**

---

**DeCOTIS, FITZPATRICK & COLE, LLP**  
Glenpointe Centre West  
500 Frank W. Burr Blvd.  
Teaneck, NJ 07666  
(201) 928-1100  
*Attorneys for the Borough of Hillsdale and  
The Township of River Vale*

Of Counsel  
Victoria A. Flynn, Esq.  
On the Brief  
Matthew D. Cassidy, Esq.

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## PRELIMINARY STATEMENT

River Vale and Hillsdale respectfully request a stay of the March 27, 2014 decision of the Board of Review to provide an opportunity for appellate review of the Board of Review's (the "Board") decision to grant the request of Woodcliff Lake to hold a referendum to determine whether it may withdraw from Pascack Valley Regional High School district ("PVRHS"). Board of Review Decision dated March 27, 2014 at 1. Indeed, most if not all decisions rendered by the Board in response to a petition to withdraw/dissolve a regional school district have been subject to review by the Appellate Division. River Vale and Hillsdale intend to seek appellate review in order to ensure that the current configuration of the PVRHS remains unchanged. In all of the reports submitted to this Board, as amplified by the public comments made during the public hearings, PVRHS is deemed to be a high-performing district that provides extraordinary educational opportunities to its students; which correlates to high property tax values for the residents of the four constituent municipalities. By granting the petition of Woodcliff Lake, the Board has allowed Woodcliff Lake to attempt to diminish the value associated with PVRHS, creating uncertainty and chaos. Thus, the petition should have been denied.

On appeal, River Vale and Hillsdale will respectfully argue that the Board took too narrow of an interpretation of the statutory standard to permit a constituent district to seek a referendum to withdraw from PVRHS. Indeed, but for a showing of a crushing debt as a result of withdrawal, a petition can be granted. However, the statutory standard provides the Board with greater discretion in its review of petitions for withdrawal. River Vale and Hillsdale will therefore obtain clarity from the Appellate Division on this issue of law.

Further, Woodcliff Lake's petition should have been denied because it is nothing more than an attempt to change the funding formula, not to withdraw. Certainly, in arguments before

this Board, Woodcliff Lake contended that the funding formula established by the Legislature is unfair and that this petition for withdrawal was intended to shift a portion of its statutory funding obligation to the other constituent municipalities. However, River Vale and Hillsdale demonstrated that the funding formula was not inequitable under the circumstances, in light of the benefits Woodcliff Lake receives as a constituent municipality of PVRHS, both by providing its students with extraordinary educational offerings, and the financial benefits associated with operating a high-performing school district pursuant to a built-in shared services arrangement provided by a regional school model. Further, Woodcliff Lake's preferred option to fund the school district – via a per pupil rate – is a stark departure from how school districts are actually funded in New Jersey. In non-regional school districts, funding is based upon equalized value. It is therefore unreasonable for Woodcliff Lake to be exempt from having to fund the education of its students in this manner.

This process has further demonstrated that if Woodcliff Lake had to support its own high school, the educational offerings it would be able to provide to its students would be substantially diminished and the financial savings Woodcliff Lake enjoys by being a member of PVRHS would dissipate. Further, if Woodcliff Lake did withdraw, it is undisputed that the financial burden imposed upon River Vale and Hillsdale would be substantial, and considerable cuts would have to be made to the PVRHS budget. Therefore, Woodcliff Lake's petition is contrary to any shared services policies.

Additionally, the Interim County Superintendent determined that it would not be advisable to grant Woodcliff Lake's petition. Specifically, the Interim County Superintendent recommended against any change to the configuration of PVRHS. Interim Executive County Superintendent Todd C. Flora's May 10, 2013 Recommendation at 3. He determined that the

potential financial savings that Woodcliff Lake and Montvale would receive if the district were to be reconfigured would be “minimal” but the increased financial burden that would be imposed on River Vale and Hillsdale would be “detrimental in comparison to any advantage for the taxpayers of Woodcliff Lake and Montvale.” Id. at 4. Further, the Interim County Superintendent concluded that reconfiguration would only serve to increase the costs associated to provide the same type of educational opportunities now being provided to PVRHS students. Id. As such, the Interim County Superintendent concluded that any positive aspects associated with changing the configuration would be “equally offset by the negative financial impact to the communities that would see a substantial increase in tax levies as a result of each proposed [new] configuration.” Id.

Further, the statutory provision to provide a constituent district to withdraw should not be utilized under these circumstances. The Legislature has provided a process to change the funding formula, which is the process that Woodcliff Lake should be required to use if, in fact, its intention is to change the funding formula. See N.J.S.A. 18A:13-23.3. Instead, Woodcliff Lake is attempting to utilize the withdrawal statute in an attempt to request that the Commissioner of Education change the funding formula for its own benefit, as the Commissioner was ordered by the New Jersey Supreme Court to do in Petition for Authorization to Conduct a Referendum on Withdrawal of N. Haledon Sch. Dist. v. Passaic County Manchester Reg'l High Sch. Dist., 181 N.J. 161 (2004). However, significantly different circumstances exist here, because the constitutional dimension existing in North Haledon – the creation of racial imbalance as a result of withdrawal of a constituent municipality - is not present in the instant matter. This is simply an attempt by Woodcliff Lake to decrease its statutory financial obligations to PVRHS, which does not warrant intervention by the Commissioner of Education.

Thus, the Board should have denied such an disingenuous petition for withdrawal because Woodcliff Lake does not intend to withdraw from the district.

If a stay is not granted, the referendum could potentially proceed without the Appellate Division having an opportunity to review the issues on appeal. As noted, the Appellate Division has taken a different approach than that of the Board in the past on the issue of withdrawal/dissolution of a regional school district. It is therefore not beyond the realm of possibility that the Appellate Division will render a decision in favor of River Vale and Hillsdale on appeal. Thus, the equities favor a stay while this decision is evaluated by the Appellate Division; it would be a better use of public and judicial resources to allow River Vale and Hillsdale to pursue its appellate options rather than diverting scarce public monies to fund a referendum process while this matter is subject to appellate review.

The issue that is proposed to be placed on the referendum - a change to the configuration of a school district - inherently presents a significant public question that should not be presented to the voters until there is clarity on the legal issues raised by the Board's decision. Thus, a stay should be granted to provide River Vale and Hillsdale an opportunity to seek appellate review.

## PROCEDURAL HISTORY

On March 19, 2012, Woodcliff Lake and Montvale filed a petition to conduct a referendum on the Withdrawal from Pascaack Valley Regional High School District ("PVRHS"), which was accompanied by a report dated September 2009. River Vale and Hillsdale initially objected, noting that the report contained a great deal of stale information, and further noted that said report was unreliable because Montvale had decided against pursuing this process. The Interim County Superintendent ordered Woodcliff Lake to submit a new report, which Woodcliff Lake subsequently provided. River Vale and Hillsdale then submitted a responsive report. Based upon the information contained in those reports, the Interim County Superintendent issued his report, finding that it would not be advisable to grant Woodcliff Lake's petition. Specifically, the Interim County Superintendent recommended against any change to the configuration of PVRHS. Interim Executive County Superintendent Todd C. Flora's May 10, 2013 Recommendation at 3.

In his report, the Interim County Superintendent determined that the potential financial savings that Woodcliff Lake and Montvale would receive if the district were to be reconfigured would be "minimal" but the increased financial burden that would be imposed on River Vale and Hillsdale would be "detrimental in comparison to any advantage for the taxpayers of Woodcliff Lake and Montvale." Id. at 4. Further, the Interim County Superintendent concluded that reconfiguration would only serve to increase the costs associated to provide the same type of education opportunities now being provided to students. Id. He found that any positive aspects within the report associated with changing the configuration "are equally offset by the negative financial impact to the communities that would see a substantial increase in tax levies as a result of each proposed [new] configuration." Id.

Thereafter, the Board of Review (the "Board") scheduled a number of public hearings. At its August 27, 2013 meeting, the Board directed the parties to submit supplemental reports because it had found that Woodcliff Lake failed to provide any transitional plan for the Board to consider if it granted its petition to withdraw. At said August 27, 2013 public meeting, Woodcliff Lake announced for the first time that it would consider building its own high school district if the referendum was ultimately successful, providing further reason for the Board to request supplemental reports. Woodcliff Lake, River Vale and Hillsdale submitted responsive reports and arguments. At its meeting of February 21, 2014, the Board indicated that it would issue a decision in favor of Woodcliff Lake. On March 27, 2014, the Board issued its decision granting Woodcliff Lake's petition for withdrawal from PVRHS. This decision was received by counsel for River Vale and Hillsdale on March 31, 2014.

## LEGAL ARGUMENT

### **THE BOARD SHOULD STAY ITS DECISION TO PROVIDE AN OPPORTUNITY FOR APPELLATE REVIEW.**

The standard for evaluating a request for a stay are those established for purposes of obtaining injunctive relief, as established by Crowe v. DeGioia, 90 N.J. 126, 132-134 (1982); mainly, irreparable harm; likelihood of success on the merits; whether there will be greater harm if the requested relief is not granted; and, finally, whether the request for injunctive relief is in the public interest. A "less rigid" approach of the Crowe v. DeGioia factors may be taken into consideration when the request for injunctive relief is intended to maintain the status quo. McKenzie v. Corzine, 396 N.J. Super. 405, 414 (App. Div. 2007); Waste Management of N.J., Inc. v. Union County Util. Auth., 399 N.J. Super. 508, 520 (App. Div. 2008). Those factors are met here and warrant a stay of the Board of Review's (the "Board") decision pending appellate review.

#### **1. RIVER VALE AND HILLSDALE WILL SUFFER IRREPARABLE HARM IF THE STAY IS NOT GRANTED**

A preliminary injunction should not issue except when necessary to prevent irreparable harm. Citizens Coach Co. v. Camden Horse R. R. Co., 29 N.J. Eq. 299, 303 (E. & A. 1878). Harm is generally considered irreparable in equity if it cannot be redressed adequately by monetary damages. The public interest ties into the relative hardship to the parties in granting or denying injunctive relief. Crowe v. De Gioia, 90 N.J. 126, 134 (1982); Isolantite Inc. v. United Elect. Radio & Mach. Workers, 130 N.J. Eq. 506, 515 (Ch.1941), mod. on other grounds, 132 N.J. Eq. 613 (E. & A. 1942). So long as there is some merit to the claim, a court may consider the extent to which the movant for an interlocutory injunction would be irreparably injured in the absence of *pendente lite* relief, and compare that potential harm to the relative hardship to be

suffered by the opponent if an injunction preserving the status quo were to be entered; if these factors strongly favor injunctive relief, the status quo may be preserved through injunctive relief even though the claim on the merits is uncertain or attended with difficulties. Waste Mgmt. of New Jersey, Inc. v. Union Cnty. Utilities Auth., 399 N.J. Super. 508, 535-36 (App. Div. 2008).

Here, River Vale and Hillsdale stand to suffer irreparable harm if the referendum process proceeds without further clarity on the legal issues that will be reviewed by the Appellate Division. The use of the referendum process to change the configuration of a school district should only be utilized in exceptional circumstances. Thus, it would be a better use of public monies and judicial resources if, first, the Board's decision is subject to appellate review prior to a referendum on the issue raised by Woodcliff Lake.

## **2. RIVER VALE AND HILLSDALE ARE LIKELY TO SUCCEED ON APPEAL**

River Vale and Hillsdale intend to argue, on appeal, that the Board has greater flexibility to deny petitions for withdrawal, especially when the petition is really an attempt to change the funding formula. Since there is a separate statutory provision to obtain such relief, Woodcliff Lake should be required to seek relief under that provision rather than using a provision that is intended to provide a municipality with a statutory avenue to leave a regional school district.

Further, River Vale and Hillsdale will demonstrate that the Board has greater flexibility in defining what constitutes an "excessive debt burden," such as factors that impact the financial status of the withdrawing and remaining districts. For instance, in In re Authorization to Conduct a Referendum on the Withdrawal of the Oradell from the River Dell Reg'l Sch. Dist., 406 N.J. Super. 198 (App. Div. 2009), the Appellate Division found it was appropriate for the Board to consider the costs to the remaining constituent district to make repairs to a middle school as an "excessive debt burden."

Here, River Vale and Hillsdale submitted a joint report prepared by its study team (the "Study Team"), dated March 1, 2013, that identified the budget cuts and financial burden associated with the withdrawal of Woodcliff Lake from Pascack Valley Regional High School District ("PVRHS"). March 1, 2013 "Study of the Consequences of the Withdrawal of Montvale & Woodcliff Lake from Pascack Valley Regional High School District" at 6. The Study Team concluded that it did not make sense from a financial standpoint to disrupt the existing configuration of the school district. Id. Further, the Study Team determined that the financial burden imposed upon the residential taxpayers of River Vale and Hillsdale would be substantially and disproportionately greater than the financial impact to Woodcliff Lake and Montvale. Id.

Additionally, the Board failed to take into account the findings of the Interim Executive County Superintendent Todd C. Flora ("Interim County Superintendent"), recommending against any change to the configuration of PVRHS. Interim Executive County Superintendent Todd C. Flora's May 10, 2013 Recommendation at 3. In his report, the Interim County Superintendent determined that the potential financial savings that Woodcliff Lake and Montvale would receive if the district were to be reconfigured would be "minimal" but the increased financial burden that would be imposed upon River Vale and Hillsdale would be "detrimental in comparison to any advantage for the taxpayers of Woodcliff Lake and Montvale." Id. at 4. Reconfiguration may only serve to increase the costs associated to provide the same type of education opportunities now being provided to students. Id. The Interim County Superintendent concluded that any positive aspects within the report associated with changing the configuration would be "equally offset by the negative financial impact to the communities that would see a substantial increase

in tax levies as a result of each proposed [new] configuration.” Id. Respectfully, the Board failed to take into account the findings of the Interim County Superintendent.

Under N.J.S.A. 18A:13-56(b)(4), the “any other reason” ground must be of the same character as the other three factors provided under N.J.S.A. 18A:13-56, because each factor implicates the state’s constitutional obligation for the maintenance of a thorough and efficient system of free public schools. Petition for Authorization to Conduct a Referendum on Withdrawal of N. Haledon Sch. Dist. v. Passaic County Manchester Reg’l High Sch. Dist., 181 N.J. 161 (2004).

In the instant matter, it is respectfully submitted that the Board applied the standard set forth under N.J.S.A. 18A:13-56(b)(1)-(4), too narrowly because N.J.S.A. 18A:13-56(b)(4) permits the denial of a withdrawal petition for “any other reason, which it may deem to be sufficient.” Essentially, N.J.S.A. 18A:13-56(b)(4) allows N.J.S.A. 18A:13-56(b)(1)-(3) to be interpreted more broadly for purposes of evaluating an application. The Board did not consider the other policy issues that arose, and that were documented by River Vale and Hillsdale, as a result of Woodcliff Lake’s application to withdraw when it rendered its decision. River Vale and Hillsdale respectfully submit that the educational, financial, enrollment, and other public policy consequences outlined in its March 1, 2013 “Study of the Consequences of the Withdrawal of Montvale & Woodcliff Lake from Pascack Valley Regional High School District” Report (“River Vale/Hillsdale Report”) were sufficient under the statute to deny Woodcliff Lake’s petition. Additionally, the following “other” policy considerations should have been taken into consideration:

First, Woodcliff Lake was instructed at an August 27, 2013 Board meeting to provide the Board with more specificity regarding the financial and educational implications associated with

its request to withdraw from PVRHS. November 13, 2013 Correspondence from DeCotiis, FitzPatrick & Cole, LLP to Board of Review at 1. The Board instructed Woodcliff Lake to present a supplemental report that provided specific details as to its proposed transition plan upon withdrawal. Id. Essentially, the Board could not make a determination because Woodcliff Lake did not prepare and submit a tangible report to support its request to withdraw. In response to the Board's narrow request, Woodcliff Lake submitted a supplemental report regarding its desire to construct its own high school. Id. at 1-2. However, Woodcliff Lake's supplemental report was devoid of any substantive details regarding the transition process to demonstrate that the construction of a new high school was feasible or practical. Woodcliff Lake did not even provide a plan regarding when they would withdraw and where their students would enroll in the interim. Woodcliff Lake's entire supplemental report was generalized and it failed to make an adequate showing under the law.

With respect to government and educational efficiency, the State of New Jersey has encouraged consolidation and shared services for some time and County Superintendents are responsible for evaluating school districts to find ways in which costs and services can be shared without compromising the quality of the learning experience for students. N.J.S.A. 18A:7-8. Here, Woodcliff Lake's request to withdraw from the PVRHS district is clearly contrary to public policy regarding shared services and consolidation in New Jersey.

Next, Woodcliff Lake argues that the law permits it to, upon withdrawal, abandon its debt obligations to the PVRHS district, leaving that debt to be assumed by the remaining constituent municipalities. Even though the statutory language of N.J.S.A. 18A:13-53 provides that indebtedness shall be assumed on an equitable basis, it does not mean that Woodcliff Lake, as a withdrawing district, is excused from its debt obligation. As previously stated, the debt was

incurred upon the assumption that Woodcliff Lake would be sending its students to the district and would assume the responsibilities associated with paying down that debt. Again, as the Board approved Woodcliff Lake's petition, River Vale and Hillsdale have an even stronger argument for the Board to approve its motion for a stay pursuant to N.J.S.A. 18A:13-56(b)(1)-(3) as both River Vale and Hillsdale would have to assume a large financial obligation upon Woodcliff Lake's withdrawal.

Additionally, in Borough of Seaside Park v. Comm'r of New Jersey Dep't of Educ., the Appellate Division held that the regional school district's apportionment of its cost system, in which borough's taxpayers paid about the average State cost of education per pupil, did not violate state constitutional provisions governing educational funding, which required a thorough and efficient education. The constitutional provision at issue was focused primarily on the education of students, not with equality among taxpayers. In Seaside Park, the allegation that the school district's students were not receiving a thorough and efficient education did not exist, and, therefore, the distribution of education costs among taxpayers was a policy decision to be made by the Legislature. Borough of Seaside Park v. Comm'r of New Jersey Dep't of Educ., 432 N.J. Super. 167, 210 (App. Div. 2013); N.J. Const. Art. 8, § 4, par. 1.

**3. THE EQUITIES/PUBLIC INTEREST WEIGH IN FAVOR OF MAINTAINING THE STATUS QUO PENDING APPELLATE REVIEW**

In Borough of Seaside Park v. Comm'r of New Jersey Dep't of Educ., 432 N.J. Super. 167 (App. Div. 2013), the Appellate Division held that petitioner board of education's "bald allegation" that it could provide a more thorough and efficient education to its students if Central Regional were dissolved or if Seaside Heights were permitted to withdraw from the District, did not provide a basis to conclude that the District was unable to serve the needs of its students. Borough of Seaside Park v. Comm'r of New Jersey Dep't of Educ., 432 N.J. Super. 167, 211

(App. Div. 2013). In order to justify the “radical” solution of encroaching upon an area constitutionally reserved to the Legislature, a finding of constitutional deficiency “must rest on granite” and not, as here, “hang by a thread.” *Id.*, quoting, Abbott v. Burke, 119 N.J. 287, 320-321 (1990). Additionally, the Appellate Division stated:

Plaintiffs' arguments on this issue misinterpret the constitution and relevant case law. The state constitution provides that “[t]he Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the State between the ages of five and eighteen years.” N.J. Const. art. VIII, § 4, ¶ 1. In interpreting the “thorough and efficient” clause, our courts have focused primarily on the education of students, not with equality among taxpayers. See, e.g., Abbott II, *supra*, 119 N.J. at 303-22, 348-50, 357-68 (1990); Robbiani v. Burke, 77 N.J. 383, 393-95, (1978); Robinson, *supra*, 62 N.J. at 513, 515; Stubaus, *supra*, 339 N.J.Super. at 52-56.

Similarly, in establishing the Department of Education to supervise and control public education, see N.J.S.A. 18A:4-1 to 18A:7G-48, in defining and designing a thorough and efficient system of education, and in implementing state monitoring to determine whether a thorough and efficient system of education is being provided, the Legislature has focused on the quality of children's education and the operational efficiency of school districts. See, e.g., N.J.S.A. 18A:4-24; N.J.S.A. 18A:7-8; N.J.S.A. 18A:7A-10; N.J.S.A. 18A:7A-14a; N.J.S.A. 18A:7C-1; N.J.S.A. 18A:7F-46; Abbott II, *supra*, 119 N.J. at 348-52; In re Trenton Bd. of Educ., 86 N.J. 327, 329-30 (1981); In re Application of Bd. of Educ. of Upper Freehold Reg'l Sch. Dist., 86 N.J. 265, 272-78 (1981); Robinson, *supra*, 69 N.J. at 456-63.

Here, there is no allegation that the students of Central Regional are not receiving a thorough and efficient education, i.e., that there are insufficient financial resources in the District to provide a thorough education, or that financial resources are being squandered at the expense of the children's education. Rather, plaintiffs attack the constitutionality of the equalized valuation method for funding regional school districts because it imposes a greater financial burden on municipalities such as Seaside Park, which have high property values and few students attending the school system. The distribution of education costs among taxpayers is a policy decision to be made by the Legislature, which determined that a wealth-based formula for funding regional districts was an appropriate option, and plaintiffs' arguments should be directed to that body. Stubaus, *supra*, 339 N.J. Super. at 56, 60-61; Twp. of Princeton v. N.J. Dep't of Educ., 163 N.J.Super. 389, 396 (App. Div. 1978). See also Abbott II, *supra*, 119 N.J. at 304, (court's function limited to constitutional review).

Borough of Seaside Park v. Comm'r of New Jersey Dep't of Educ., 432 N.J. Super. 167, 211-13 (App. Div. 2013)

Here, the Study Team's River Vale/Hillsdale Report also concluded that Woodcliff Lake's petition would devalue the reputation of the regional school district if there was any change to its configuration. March 1, 2013 "Study of the Consequences of the Withdrawal of Montvale & Woodcliff Lake from Pascack Valley Regional High School District" at 6. Currently, the PVRHS configuration demonstrates a high level of student academic achievement and it would not be advisable to disrupt the district by altering its configuration. Interim Executive County Superintendent Todd C. Flora's May 10, 2013 Recommendation at 3. Further, the Interim County Superintendent found that the benefits associated with vertical and horizontal curricular articulation (which includes assessment and evaluations) for the school district is possible under the current configuration. Id. The current configuration demonstrates, from an administrative and operational standpoint, a "thorough and efficient" education. Id. at 4. However, Woodcliff Lake's proposed configurations would have a negative educational and financial impact upon the PVRHS district. Id.

With respect to the educational impact on the curriculum, the River Vale/Hillsdale Report determined that the present configuration has a large number of students, which provides the administration with greater flexibility in providing a variety of course offerings, assignment of staff, the use of pilot programs, fewer single courses, scheduling flexibility and student placement decisions. March 1, 2013 "Study of the Consequences of the Withdrawal of Montvale & Woodcliff Lake from Pascack Valley Regional High School District" at 28. However, the current flexibility that the PVRHS administration enjoys, which in turn produces a more efficient curriculum, would also cease to exist if Woodcliff Lake's petition to withdraw is upheld.

If Woodcliff Lake's application for withdrawal is upheld, Pascack Hills will remain a small high school. However, as part of PVRHS, there are currently more opportunities for students from Pascack Hills to join with students at Pascack Valley Regional High School for advanced elective courses. These courses may not be available if the configuration of PVRHS is altered. Pascack Hills High School is a high performing school and must continue to offer opportunities to its students, opportunities which most likely will not be possible if Woodcliff Lake is permitted to withdraw. Id. Currently, the virtual classroom setting and number of programs offered for students is a testament to the PVRHS model. If Woodcliff Lake is permitted to withdraw, such opportunities would cease to exist for the student population, diminishing the efficiency and overall value of the school district.

Woodcliff Lake's request to withdraw from PVRHS presents a significant public question and affects a matter of clear public interest. Woodcliff Lake's withdrawal would prevent the State from meeting its obligation to maintain a thorough and efficient system of free public schools. Further, based upon the arguments set forth above, it is respectfully submitted that River Vale and Hillsdale have made a preliminary showing of a reasonable probability of ultimate success on the merits and that by granting its request for temporary relief, the parties will be maintained in the same condition as they were when the matter commenced.

**CONCLUSION**

For all the foregoing reasons, River Vale and Hillsdale's Motion for a Stay pending appellate review should be granted.

**DeCOTIIS, FITZPATRICK & COLE, LLP**  
*Attorneys for River Vale and Hillsdale*

By:

  
\_\_\_\_\_  
Matthew D. Cassidy, Esq.

Dated: April 17, 2014

**Matthew D. Cassidy, Esq.**  
**Attorney I.D. # 005612011**  
**DeCOTHIS, FITZPATRICK & COLE, LLP**  
Glenpointe Centre West  
500 Frank W. Burr Boulevard, Suite 31  
Teaneck, NJ 07666  
(201) 928-1100  
*Attorneys for the Borough of Hillsdale and  
The Township of River Vale*

IN RE:

PETITION FOR AUTHORIZATION TO  
CONDUCT A REFERENDUM ON THE  
WITHDRAWAL OF THE BOROUGH OF  
WOODCLIFF LAKE FROM PASCACK  
VALLEY REGIONAL SCHOOL DISTRICT

ADMINISTRATIVE ACTION  
ORDER

This matter having been opened to the Department of Education by counsel for the Borough of Hillsdale and the Township of River Vale as a Motion seeking the stay of the March 27, 2014 Decision of the Board of Review and the Court having considered the papers and arguments submitted by the parties in support of and in opposition to this motion; and for good cause shown;

IT IS on this \_\_\_\_\_ day of \_\_\_\_\_, 2014

ORDERED that the Borough of Hillsdale and the Township of River Vale's Motion for a Stay of the March 27, 2014 Decision of the Board of Review is hereby GRANTED; and it is further

ORDERED that a copy of this Order shall be served upon all parties within \_\_\_\_\_ days of the entry thereof.

\_\_\_\_\_

DATED: \_\_\_\_\_



CC

**State of New Jersey**

DEPARTMENT OF EDUCATION  
PO Box 500  
TRENTON, NJ 08625-0500

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

David C. Hespe  
Acting Commissioner

April 2, 2014

To: County Boards of Taxation  
Municipal Clerks  
Board Secretaries/School Business Administrators  
County Superintendents

From: Yut'se O. Thomas, Director  
Office of School Finance

Subject: 2014-2015 Municipal Percentage Shares for Tax Levies for Regional School Districts and Districts Merged Pursuant to P.L.2009, c.78.

Enclosed is the 2014-2015 "Allocation of Equalized Valuation" printout. The apportionment for regional districts and districts merged pursuant to P.L. 2009, c. 78 is shown in the last column. Appropriations are apportioned among the municipalities included within a regional school district in accordance with N.J.S.A. 18A: 13-23. For districts merged pursuant to P.L. 2009, c. 78, appropriations are apportioned among the municipalities in accordance with N.J.S.A. 18A: 13-23 and the reports issued by the Executive County Superintendent.

If you have any questions concerning these calculations, you can reach me at (609) 984-4948.

YT:CL/osf/yut'se/State Aid/FY15/memos/15pctshr\_merged.doc

ALLOCATION OF EQUALIZED VALUATION - SFRA 14/15

02/25/14

COUNTY=03-BERGEN DISTRICT=3960-PASCACK VALLEY REGIONAL

DIST NEM	MUNICIPALITY	EQUAL VAL OF MUNICIPALITY	ELEMENTARY ENROLLMENT 10-15-13	REGIONAL ENROLLMENT 10-15-13	ELEMENTARY PERCENT	ELEMENTARY EQUALIZED VALUATION	REGIONAL EQUALIZED VALUATION	2014-15 PERCENT SHARE
2180	HILLSDALE	1,809,213,586	1,299.00	659.00	66.34	1,200,232,293	608,981,293	23.9393665
3330	MONTVALE	2,266,272,997	1,038.00	455.00	69.52	1,575,512,988	690,760,009	27.1541297
4430	RIVER VALE	1,949,998,337	1,268.00	591.00	68.21	1,330,093,866	619,904,471	24.3687622
5680	WOODCLIFF LAKE	1,971,582,590	762.00	353.00	68.34	1,347,379,542	624,203,048	24.5377416
	PASCACK VALLEY REGIONAL	7,997,067,510	4,367.00	2,058.00		5,453,218,689	2,543,848,821	100.0000000