

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:44 pm. Adequate notification was published in the official newspaper of the Borough of Montvale. Roll call was taken.

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting was provided to The Bergen Record and The Ridgewood News, informing the public of the time and place according to the provisions of the Open Public Meeting Law (Chapter 231, P.L. 1975).

ROLL CALL:

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

Also present: Mayor Roger Fyfe; Borough Attorney, Joe Voytus; Borough Engineer, Andy Hipolit; Administrator/Clerk, Maureen Iarossi-Alwan and Deputy Municipal Clerk, Fran Scordo

ORDINANCES:

PUBLIC HEARING OF BOND ORDINANCE NO. 2013-1370 ORDINANCE OF THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, NEW JERSEY REAPPROPRIATING \$150,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE PRELIMINARY PLANNING AND ENGINEERING EXPENSES RELATED TO THE COUNTY ROAD IMPROVEMENT AND WIDENING PROGRAM IN THE BOROUGH

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$150,000 of the proceeds of obligations originally made available pursuant to Section 3(g) of bond ordinance #2011-1348 of the Borough of Montvale, in the County of Bergen, New Jersey (the "Borough"), finally adopted August 9, 2011, is no longer necessary for the purpose of the construction of a salt storage shed for which the obligations previously were authorized.

Section 2. The \$150,000 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for the preliminary planning and engineering expenses related to the county road improvement and widening program in the Borough, including all work and materials necessary therefor and incidental thereto.

Section 3. The Section 20 cost in Section 6(d) of bond ordinance #2011-1348 is increased by the \$150,000 provided for in this ordinance.

Section 4. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted

capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 5. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance No. **2013- 1370** was introduced for second reading by Councilmember Cudequest; seconded by Councilmember Lane ; Clerk read by title only

Motion to open meeting to the public by Councilmember Cudequest; seconded by Councilmember Ghassali - all ayes

Barry Donnelly, Principal of St Joe’s
Ask for clarification regarding the traffic light by St Joseph HS

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

PUBLIC HEARING OF ORDINANCE NO. 2013-1371 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 42 OF THE CODE OF THE BOROUGH OF MONTVALE IN ORDER TO REVISE THE FEES CHARGEABLE FOR INSPECTIONS AND PERMITS

WHEREAS, the fees for inspections by the Bureau of Fire Prevention in the Borough of Montvale have not been increased since 2010; and

WHEREAS, in order to cover the cost of increased registration and inspection workload, an increase in the registration and inspection fees is necessary for 2013 and future years.

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

Section 1. The Code of the Borough of Montvale, Chapter 42, “Fire Prevention,” is hereby amended by deleting the text of Code Section 42-24(E) in its entirety and replacing it with the following:

Additional locally required annual registration fees are as follows (Non-life-hazard):

RESIDENTIAL

Dwelling Units	Year and Fee (per dwelling unit)				
	2014	2015	2016	2017	2018+
Each unit up to 20	\$40	\$45	\$50	\$55	Prior year +10%, rounded to nearest \$5 increment
Each unit above 20	\$15	\$15	\$15	\$15	

The above fees shall be applicable to all multi-unit dwellings, including, without limitation, apartments, condominiums, and cooperative housing complexes, and all single-unit, non-owner occupied dwelling units.

Section 2. The Code of the Borough of Montvale, Chapter 42, “Fire Prevention,” is hereby amended by deleting the text of Code Section 42-24(F) in its entirety and replacing it with the following:

F. The following annual registration fees for nonresidential buildings and uses as authorized by the New Jersey Uniform Fire Code are as follows:

BUSINESS

Local Code	Area (square feet)	Year and Fee				
		2014	2015	2016	2017	2018+
U1	<1,000	\$50	\$55	\$60	\$65	Prior year +10%, rounded to nearest \$5 increment
U1A	1,001 – 2,500	\$85	\$95	\$100	\$115	Prior year +10%, rounded to nearest \$5 increment
U2	2,501 – 5,000	\$140	\$155	\$170	\$185	Prior year +10%, rounded to nearest \$5 increment
U3	5,001 – 10,000	\$275	\$300	\$330	\$365	Prior year +10%, rounded to nearest \$5 increment
U4	10,001 – 50,000	\$550	\$605	\$665	\$730	Prior year +10%, rounded to nearest \$5 increment
U5	50,001 – 100,000	\$770	\$845	\$930	\$1025	Prior year +10%, rounded to nearest \$5 increment
U6	100,001 – 200,000	\$1050	\$1155	\$1270	\$1400	Prior year +10%, rounded to nearest \$5 increment
U7	200,001-250,000	\$1540	\$1695	\$1865	\$2050	Prior year +10%, rounded to nearest \$5 increment
U8	250,000+	\$2,000	\$2,200	\$2,450	\$2,670	Prior year +10%, rounded to nearest \$5 increment

Section 3. The Code of the Borough of Montvale, Chapter 42, “Fire Prevention,” is hereby amended by deleting the text of Code Section 42-38 in its entirety and replacing it with the following:

The fees for an inspection by the Fire Prevention Bureau for a Certificate of Smoke Detector Installation (CSDI) Smoke Detector Certificates shall be as follows:

Document	Year and Fee				
	2013	2014	2015	2016	2017+
Initial CSDI Inspection	\$85	\$95	\$105	\$115	Prior year +10%, rounded to nearest \$5 increment
Re-inspection (if required)	\$25	\$25	\$30	\$35	Prior year +10%, rounded to nearest \$5 increment

Section 4. Effect of invalidation. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. Repeal of inconsistent ordinances. All ordinances or parts of ordinances of the Borough of Montvale which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. Effective date. This ordinance shall take effect immediately upon its passage and publication as required by law.

Ordinance No. **2013- 1371** was introduced for second reading by Councilmember Curry; seconded by Councilmember Cudequest ; 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 Ghassali - all ayes

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

MINUTES:

February 12, 2013

A motion to accept the minutes by Councilmember Cudequest; seconded by Councilmember Curry - all ayes Councilmember Ghassali mentioned that in the committee report he was listed as the Council President – that should be change to read Councilmember Ghassali

RESOLUTIONS:

58-2013 Tax Court Settlement / Block 2402; Lot 7 / 15 S Kinderkamack Rd / Peter & Catherine Davey

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed on behalf of The Peter & Catherine Davey, LLC (hereinafter the "Tax Appeal"), under Docket Numbers 009092-2011, and 004897-2012, and;
WHEREAS, the aforesaid tax appeal concerns a commercial property located at 15 South Kinderkamack Road, and is otherwise referred to as Block 2402 Lot 7 on the tax assessment maps of the Borough (hereinafter the "subject property"), and;
WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel and the Borough Tax Assessor, and;
WHEREAS, the proposed Tax Appeal settlement components are set forth in the Schedule "A" attached hereto and made a part hereof, and;
WHEREAS, it is in the best interest of the Borough of Montvale to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the settlement of the aforesaid Tax Appeal be finalized in accordance with the enclosed Schedule "A", and;

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Borough Administrator, Borough Attorney and/or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

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

59-2013 Refund Tax Overpayments / Various Parcels / Duplicate Payments

WHEREAS, a resolution authorizing this municipality to refund overpayment of taxes for the following properties located in the Borough of Montvale, and

WHEREAS, due to duplicate payments which resulted in overpayments, and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to refund overpayment of taxes to the following:

Catherine & Raymond Hutchison	25 Westmoreland Ave	\$2,422.00
Ravindra Gogineni	22 Forest Ave	\$3,509.00
Karen Holm	28 Magnolia Ave	\$2,415.00
Pat Audia	40 Rutherford Place	\$2,795.00
Wai Kit Ho	5 Forshee Circle	\$2,179.20
Michele Clancy	10 Surrey Lane	\$3,120.12

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

60-2013 Emergency Temporary Appropriations

WHEREAS, an emergent condition has arisen with respect to certain budget appropriations and no adequate provision has been made in the 2013 temporary budget, and N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations for said purpose; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2013 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951) including this resolution total:

Current Fund \$67,000.00

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made in the total amount of:

Current Fund \$67,000.00

2. That said emergency temporary appropriation (will be) provided in the 2013 budget;

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

CURRENT FUND

General Appropriations
Operations – Within “CAPS”

Engineering Services and Costs:	
Other Expenses	\$15,000.00
First Aid Organization:	
Other Expenses	2,000.00
Road Repair and Maintenance:	
Other Expenses	<u>50,000.00</u>
	\$67,000.00
	=====

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

61-2013 Award Professional Service Contract/Design & Bid Services/Memorial & LaTrenta Parks Tennis Courts Rehabilitation/Maser

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide the design and bidding services for the Memorial and LaTrenta Parks tennis courts rehabilitation; and

WHEREAS, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

WHEREAS, Maser Consulting, 200 Valley Road, Suite 400, Mt. Arlington, NJ 07856 has submitted a proposal dated February 7, 2013 to provide design and bidding services which is attached to the original of this resolution, and

WHEREAS, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

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

- 1) That the proposal for the scope of service is attached to this resolution which is made part of this resolution shall be awarded to Maser Consulting.
- 2) That the following be provided: Design and Bidding Services
- 3) The cost not to exceed shall be \$6,500.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

BE IT FURTHER RESOLVED, that a copy of this resolution be published an official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Municipal Clerk, Municipal Complex, 12 Mercedes Drive, Montvale, NJ 07645.

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

62-2013 Award Professional Service Contract/2013 Road Improvement Program/Akers Avenue Roadway Improvement/Construction Inspection Services/Maser

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide the construction inspection services for the Akers Avenue Roadway Improvement; and

WHEREAS, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

WHEREAS, Maser Consulting, 200 Valley Road, Suite 400, Mt. Arlington, NJ 07856 has submitted a proposal dated February 6, 2013 to provide construction inspection utilizing the plans and specification developed for the project which is attached to the original of this resolution, and

WHEREAS, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

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

- 1) That the proposal for the scope of service is attached to this resolution which is made part of this resolution shall be awarded to Maser Consulting.

- 2) That the following be provided: Construction Inspection Services

- 3) The cost not to exceed shall be \$16,200.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

BE IT FURTHER RESOLVED, that a copy of this resolution be published an official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Municipal Clerk, Municipal Complex, 12 Mercedes Drive, Montvale, NJ 07645.

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

BILLS: Municipal Clerk read the Bill Report

Motion to pay bills by Councilmember Lane; seconded by Councilmember Talarico - All ayes
Councilmember Ghassali mentioned that there will be an added charge on one of the police department's cell phone for adding unlimited texting;

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

- a. Authorize/Proposal/Survey/Chestnut Ridge Road/Road Widening
Resolution needed for next meeting

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

No Report

UNFINISHED BUSINESS:

a. Resolution To Review & Approve Recreation Program Fees Year 2013
Motion by Councilmember Lane; seconded by Councilmember Talarico to allow 75% of Montvale residents to make up teams; a motion to leave field use fees as is by Councilmember Lane; seconded by Councilmember Talarico; a motion to charge local corporations \$150.00 resident and \$300 for non-residents by Councilmember Lane; seconded by Councilmember Ghassali

b. Draft Ordinance / New Chapter / Establishment of a Recreation / Comments and Recommendations
Councilmember decided they needed more time to look into it

c. Sign Carry In / Carry Out for trash
Council decided to use the sign plus keep the trash cans at both fields

NEW BUSINESS:

a. Request to have kids party
March 9 7pm- 9pm trailer loaded with video games; Swim club parking lot can be used;

b. Shop In Montvale
March 12th presentation at 5pm

c. Video Taping In The Borough of Montvale
Mayor Fyfe asked councilmembers to look over documentation

COMMUNICATION CORRESPONDENCE:

None

MEETING OPEN TO THE PUBLIC:

HEARING OF CITIZENS WHO WISH TO ADDRESS THE MAYOR AND COUNCIL:

Upon recognition by the Mayor, the person shall proceed to the floor and give his/her name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he/she shall limit his/her statement to five (5) minutes. Statements shall be addressed to the Council as a body and not to any member thereof. No person, other than the person having the floor, shall be permitted to enter into any discussion, without recognition by the Mayor.

A motion to open meeting to the public by Councilmember Cudeqest ; seconded by Councilmember Lane – all ayes

Clint Miller, Fire Chief

June 8th NY & NJ 100 year Volunteer Fire Association Event; parade starts 1pm in Pearl River;

Linda Bongardino

Wanted an update on DePiero's property

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

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

ADJOURNMENT

Meeting adjourned at 9:00pm

The next Meeting of the Mayor and Council will be held March 12, 2013 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk