

**MINUTES  
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:30pm. 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 -absent	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 ORDINANCE NO. 2013-1372** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 38 OF THE CODE OF THE BOROUGH OF MONTVALE IN ORDER TO REVISE THE FEES CHARGEABLE FOR PUBLIC DOCUMENT

**WHEREAS**, the fees for public documents requested under the Open Public Records Act and for purposes of discovery in the Municipal Court have not been updated to reflect recent statutory amendments; and

**WHEREAS**, the Borough is desirous of amending Chapter 38 of the Borough Code to provide accurate fees for the cost of production of certain public documents.

**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 38, "Fees For Municipal Services," Article V, "Public Record Fees," Section 38-31, "Procedures and fees for purchasing copies of public records," is hereby amended and supplemented by adding the underlined text and deleting the [bracketed] text as follows:

**§38-31 Procedures and fees for purchasing copies of public records.**

Copies of records may be purchased for the fee prescribed by law or regulation. If a fee is not prescribed by law or regulation, the fee shall be the actual cost of duplicating the record; provided, however, that where the actual cost for duplication of a record exceeds the rates below, the actual cost shall be imposed:

A. Standard-sized paper documents [, up to 8 1/2 inches by 14 inches in size].

<b><u>Size [Number of Pages]</u></b>	<b><u>Fee (per page)</u></b>
<u>Letter size or smaller</u>	<u>\$0.05</u>
<u>Legal size or larger</u>	<u>\$0.07</u>
[1 to 10]	[\$0.75]

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[11 to 20]	[\$0.50]
[All over 20]	[\$0.25]

B. Large-sized paper documents and maps. Fees shall be for actual costs incurred; a deposit of \$5 per page shall be required.

- (1) Zoning Map.
- (2) Street Map.
- (3) Drug-Free School Zone Map.
- (4) Soils Survey Map.
- (5) Site plan.
- (6) Subdivision plat.
- (7) Tax maps.
- (8) Engineering plans.

C. Preprinted documents.

- (1) Copy of the Code book: \$300.
- (2) Zoning/land use pamphlet: \$25.
- (3) Master Plan: actual cost to copy.

D. [Copy of] The furnishing of any information on a CD-ROM, including of any Mayor and Council, Board or Commission meeting recorded in the Borough of Montvale's Council Chambers on the recording system, shall be at the cost of \$0.36 per CD and \$0.32 per CD case.[\$25 per CD-ROM.]

E. Police reports.

- (1) Police accident reports: same as Subsection A above, if requested and picked up in person.
- (2) Police accident reports, when copies are requested other than in person: \$5 for the first three pages and \$1 per page for each additional page, as established by N.J.S.A. 39:4-131.

F. [Police digital imaging recording: \$75 per hour or a part thereof.] Deleted by amendment.

G. A special service charge shall be imposed, in addition to the actual cost of duplicating the record, where the nature, format, manner of collation or volume of printed matter is such that it cannot be reproduced by ordinary document-copying equipment in ordinary business size or where such record involves an extraordinary expenditure of time and effort to accommodate the request. The estimated and actual charges shall be calculated based upon the hourly pay as set forth or determined by the salary ordinance for the employee performing the work times the

number of hours. The requestor shall have the opportunity to review and object to the special service charge prior to it being incurred.

H. Applicable postage shall be added for any and all records requested by mail. The cost of standard-sized envelopes shall be \$0.25.

I. A deposit shall be paid prior to filling any anonymous or out-of-state request where it is estimated that the information requested will cost in excess of \$5 to reproduce. The amount of the deposit shall equal the total estimated cost of filling the request.

**Section 2.** The Code of the Borough of Montvale Chapter 38, "Fees For Municipal Services," Article IV, "Municipal Court Discovery Fees," Section 38-23, "Fees," is hereby deleted in its entirety and replaced as follows:

**§38-23 Fees.**

The fees payable by the requestor to the Borough of Montvale for the discovery provided shall be as set forth in §38-31 of this Chapter. Notwithstanding the foregoing, to the extent said fees conflict with the fee schedule promulgated by the Administrative Director of the Courts, the latter shall control.

**Section 3.** 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 4.** 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 5.** Effective date. This ordinance shall take effect immediately upon its passage and publication as required by law.

Ordinance No. **2013- 1372** was introduced for second reading by Councilmember Lane; seconded by Councilmember Talarico; Clerk read by title 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 Cudequest; seconded by Councilmember Lane - all ayes

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

**MINUTES:**

March 12, 2013

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

**RESOLUTIONS:**

**79-2013 Appointment Part Time Technical Assistant/Construction Dept / Kimberly Geneux**

**WHEREAS**, the Construction Department is in need of a Technical Assistant; and **WHEREAS**, Kimberly Geneux has met the qualifications for this position, agrees to the terms and conditions of employment, and has 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 that the above named individual is hereby appointed to the position of a part-time Technical Assistant, effective January 30, 2013.

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

**80-2013 A Resolution Rejecting All Bids for the 2013/2014 Street Sweeping Services and Related Work Contract, Authorizing a Re-Bid for these Services, and Authorizing an Emergency Extension of the Contract with NJ Sweeping & Maintenance Until a New Contract is Awarded**

**WHEREAS**, the Borough of Montvale did previously publicly solicit bids for the 2013-2014 Street Sweeping Services and Related Work Contract pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

**WHEREAS**, in response to said solicitation, two (2) bids were received; and

**WHEREAS**, after review of these bids, it was determined that the apparent low bidder submitted a bid that contained a patent error concerning the bid price; and

**WHEREAS**, the DPW Superintendent confirmed that the work contemplated could not be reasonable performed for the price bid, which fact was confirmed by the bidder; and

**WHEREAS**, the bid price submitted by the sole remaining bidder far exceeded the Borough's budgeted funds for this work and was nearly 50% more than the Borough is currently paying for this work; and

**WHEREAS**, pursuant to *N.J.S.A. 40A:11-13.2*, the Borough of Montvale hereby elects to reject all bids received and to re-bid this project; and

**WHEREAS**, the incumbent contractor has confirmed that it will continue to perform these services on a pro-rata basis until a new contract is executed by the Borough.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale that all bids received for the 2013 and 2014 Street Sweeping Services and Related Work Contract are hereby rejected; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby authorized to re-solicit bids for this project; and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to execute an amendment to the present contract with NJ Sweeping and Maintenance to extend the contract on a pro-rata basis until the execution of a new contract for this work.

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

**81-2013 Recycling Tonnage Grant Submission**

The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, A resolution authorizing this municipality to apply for such tonnage grants for 2009 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor & Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW THEREFORE BE IT RESOLVED** by the Mayor & Council of the Borough of Montvale that

the Borough of Montvale hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Robert Culvert to ensure that the application is properly filed; an

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

**82-2013 RE: Resolution Authorizing The Borough Administrator To Sign The Njdep Wqm-003 Statement Of Consent Form For The Woodland Heights (Bear-Ban Builders)**

**Application**

**WHEREAS**, the New Jersey Department of Environmental Protection requires Consent of the Governing Body and Certification by the Wastewater Conveyance System Owner;

**WHEREAS**, the Borough of Montvale owns and operates they wastewater conveyance system that Woodland Heights (Bear-Ban Builders) is proposing to connect to for sanitary sewerage for disposal;

**WHEREAS**, the Borough Engineer has reviewed the NJDEP WQM-003 Form and has determined that the Borough's sanitary sewer system has adequate capacity;

**WHEREAS**, the Borough Engineer has reviewed the NJDEP WQM-003 Form and recommends that the Borough's Mayor and Council authorize the Borough Administrator to execute the WQM-003 Form Section A-1 and Section A-3B;

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

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

**BE IT FURTHER RESOLVED** that the Borough Administrator is hereby authorized to execute the NJDEP WQM-003 Form on behalf of the Borough of Montvale for the Woodland Heights (Bear-Ban Builders) Application.

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

**83-2013 A Resolution Awarding a Contract to FieldTurf USA, Inc. for the Provision of Artificial Turf for Fieldstone School Athletic Field Through a Cooperative Purchasing Agreement with the Keystone Purchasing Network**

**WHEREAS**, the Borough of Montvale has a need for goods in the form of Artificial Turf in connection with the Fieldstone School Athletic Field Clay Infield Removal/Synthetic Turf Replacement Project; and

**WHEREAS**, consistent with P.L. 2011, c.139, and N.J.S.A. 52:34-6.2(b), the Borough is desirous of awarding this contract through a national cooperative purchasing agreement; and

**WHEREAS**, the Borough Engineer did solicit quotes from three separate vendors, under the Keystone Purchasing Network, The Cooperative Purchasing Network, and The Interlocal Purchasing System; and

**WHEREAS**, in response to this solicitation, proposals were submitted by three (3) vendors, FieldTurf USA, Inc., Astro Turf, and Sprinturf; and

**WHEREAS**, after review of these proposals, it was determined that the lowest Base Bid was submitted by FieldTurf USA in the amount of \$112,114.26; and

**WHEREAS**, it was also determined that FieldTurf USA had submitted all required documentation for this solicitation; and

**WHEREAS**, FieldTurf USA has also indicated that it will upgrade, at no additional cost, the material type to be installed from Classic 2.0 to Revolution 2.0; and

**WHEREAS**, consistent with P.L. 2011, c.139, the Borough Engineer did conduct a cost savings determination justifying the award of this contract under a national cooperative contract; and

**WHEREAS**, FieldTurf USA will be required to submit to the Borough a copy of its New Jersey Business Registration Certificate, Statement of Corporate Ownership, and Public Contract EEO Compliance, as well as all required political contribution disclosure forms, prior to execution of a contract; and

**WHEREAS**, the Borough provided notice to the public and potential bidders of its intention to make this award by way of a Notice of Intent to Award a Contract under a National Cooperative Purchasing Agreement, a copy of which notice is attached hereto, more than ten (10) days in advance of this award; and

**WHEREAS**, the Mayor and Council, in consultation with the Borough Engineer, have determined that sufficient funds are available to perform the work included in Base Bid; and

**WHEREAS**, FieldTurf's USA bid was within the funds allocated for this project and within the Engineer's estimate for this work; and

**WHEREAS**, the Borough's Chief Financial Officer has certified that funds have been appropriated and are available for this purpose.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale, that a contract for the above-referenced project shall be awarded as follows:

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

**84-2013 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 \$809,089.00

**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 \$737,089.00

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"

Public Buildings and Grounds:

Salaries and Wages \$5,000.00

Construction Code Officials:

Salaries and Wages 2,500.00

Deferred Charges and Statutory

Expenditures - Municipal within "CAPS"

Statutory Expenditures

Public Employees Retirement System 171,487.00

Police and Fire Employees Retirement System 504,902.00

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Defined Contribution Retirement Program	<u>2,000.00</u>
	<u>685,889.00</u>
Excluded from "CAPS"	
Maintenance of Free Public Library	<u>43,100.00</u>
Inter-local Municipal Service Agreements	
Municipal Court Administration:	
Other Expenses	<u>8,100.00</u>
	<u>\$737,089.00</u>
	=====

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

**85-2013 Appointment Regular Member/Montvale Fire Department/Kenneth Rosenfeld**

**WHEREAS**, the Montvale Fire Department is desirous of adding a regular member; and **WHEREAS**, Kenneth Rosenfeld, has been approved by the Board of Fire Commissioners and has undergone a satisfactory physical, pursuant to the attached application which has been made part of this resolution; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the appointment of Kenneth Rosenfeld as a Regular Member of the Montvale Fire Department, is hereby approved.

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

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

Motion to pay bills by Councilmember Lane; seconded by Councilmember Cudequest - All ayes  
Councilmember Ghassali asked for clarification regarding \$600 for typewriters; the administrator stated the charge is for a maintenance contract; that there is a need for typewriters for certain documents.

**ENGINEER'S REPORT:**

Andy Hipolit  
Report/Update

The engineer stated he will schedule the delivery of the turf but according to school administrator the field might not get done until end of school year.

The county submitted their list of roads they will pave – Spring Valley Road, East and West Grand Ave and Summit Ave

Councilmember Cudequest stated that it was brought to the attention of the Planning Board, that the county is looking for ways for help with their traffic signals when the power goes out due to a weather event; it was suggested that if the corporates are installing generators that would they would include the traffic light near their property; After a brief discussion by councilmembers, it was decided to look into it further;

**ATTORNEY'S REPORT:**

Joe Voytus, Esq.  
Report/Update  
**No Report**

**UNFINISHED BUSINESS:**

a. Request Toddler Program / Senior Community Center  
Proposal will be included with original minutes; Mayor Fyfe will look into it further;

b. Jim Freeman / Motorcycle Signs

If the motorcycle club would purchase signs to post around town, "Watch out for motorcycles"; Maybe on Chestnut Ridge Road going in each direction, Grand Ave, Kinderkamack Road in both directions; It was decided to ask Police Chief for direction;

c. Award contract for Shared Service DPW Feasibility Study

Mayor Fyfe explained that at the last meeting a resolution was passed authorizing a study to be conducted regarding shared services of the DPW; a motion by Councilmember Lane; seconded by Councilmember Cudequest to award contract to LKM Consulting, LLC – all ayes

**NEW BUSINESS:**

a. Request Attendance / IIMC & MCANJ Municipal Clerks Conference / May 20 – 23

Maureen Iarossi-Alwan and Fran Scordo

A motion by Councilmember Lane; seconded by Councilmember Ghassali to grant permission to attend the conference – all ayes

b. Planning Board Member Adjustment

Mayor Fyfe stated that Mark Bardes resigned; Dante Teagno will fill the unexpired term; the Mayor will appoint a Mayor's Designee at a later date

c. Chief Abrams / Promotions / Permission

Chief Abrams would like permission to start the process of promotions within the department; this is in accordance with the accreditation process as well. A motion by Councilmember Talarico; seconded by Councilmember Lane to start promotion process – all ayes

**COMMUNICATION CORRESPONDENCE:**

*None*

**MEETING OPEN TO THE PUBLIC:**

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

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

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

**Fire Chief Miller**

Remind everyone about the June 8<sup>th</sup> celebration;

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

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

**ADJOURNMENT**

Meeting adjourned at 8:07pm

**ADJOURNMENT** The next Meeting of the Mayor and Council will be held April 9, 2013 at 7:30 p.m. **Public Hearing of Municipal Budget on April 9th**

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