

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:37pm. 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 - absent

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

APPOINTMENT MONTVALE PROBATIONARY POLICE OFFICERS:

Maciej Zagaja- he was appointed at an earlier date

DPW Dissolution

Linda Murphy of LKM Consulting, LLC went over the feasibility study – study included with original minutes

A motion to open the meeting to the public by Councilmember Lane; seconded by Councilmember Curry ----- All ayes

Standing room only crowd – approximately 50 or so concerned citizens spoke opposing the ordinance and urging councilmembers to re-consider.

A motion to open the meeting to the public by Councilmember Lane; seconded by Councilmember Ghassali ----- All ayes

ORDINANCES:

PUBLIC HEARING ORDINANCE NO. 2013-1378 AN ORDINANCE OF THE BOROUGH OF MONTVALE REPEALING CHAPTER 30 OF THE BOROUGH CODE IN ITS ENTIRETY AND DISSOLVING THE MONTVALE DEPARTMENT OF PUBLIC WORKS IN ORDER TO TRANSFER THE DEPARTMENT’S DUTIES BY WAY OF A SHARED SERVICES AGREEMENT TO A NEW PASCACK VALLEY DEPARTMENT OF PUBLIC WORKS, WITH THE TOWNSHIP OF RIVER VALE AS LEAD AGENCY

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) provides that local units of government may enter into a contract for the joint provision of any service which either party to said agreement is empowered to render or perform within its own jurisdiction; and

WHEREAS, the Mayor and Council of the Borough of Montvale are constantly exploring options available to the Borough to obtain cost savings for Borough residents in the performance of various services, while still maintaining quality of performance and a high level of professionalism; and

WHEREAS, in furtherance of this mission, the Mayor and Council did conduct a Feasibility Study concerning the potential for shared services between the Borough of Montvale and the Township of River Vale regarding the services performed by the Department of Public Works; and

WHEREAS, the results of said study concluded that the Borough of Montvale can expect to save approximately \$400,000.00 annually and maintain a high level of service and responsiveness to Montvale residents by entering into a Shared Services Agreement with the Township of River Vale and creating a partnership for the unified performance of public works services; and

WHEREAS, pursuant to this Shared Services Agreement, River Vale as Lead Agency will increase the size of its current department of public works and reorganize itself as the Pascack Valley Department of Public Works (DPW) serving the Township of Rivervale and the Borough of Montvale; and

WHEREAS, the Pascack Valley DPW will operate within one service territory comprised of the combined jurisdictions of the municipalities of Montvale and River Vale; and

WHEREAS, the Pascack Valley DPW will perform all public works services currently performed by the Montvale Department of Public Works and the River Vale Department of Public Works with the exception of curbside garbage pick-up, while the Borough of Montvale will contribute financially towards the operation of said department including contributions toward capital expenses therefore; and

WHEREAS, the Feasibility Study also concluded that the Borough of Montvale would be expected to incur significant expense for capital costs related to existing DPW equipment over the next five years, absent this Shared Services Agreement with River Vale or a similar agreement with another municipality; and

WHEREAS, the Feasibility Study recommended that Montvale enter into the contemplated Shared Services Agreement with the Township of River Vale for the benefit of Montvale residents and taxpayers; and

WHEREAS, it is the intention of the Borough of Montvale and the Township of River Vale to enter into a Shared Services Agreement concerning the creation of a new Pascack Valley Department of Public Works for all public works-related services excepting curbside garbage pick-up in the Borough of Montvale with River Vale as the lead agency, subject to such terms and conditions as are being negotiated and are expected to be agreed-upon in the coming weeks; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. requires that the Shared Services Agreement be approved by resolution of the governing body of each participating municipality; and

WHEREAS, it is therefore necessary and appropriate for the Borough of Montvale to adopt an Ordinance repealing Chapter 30, "Department of Public Works," of the Borough Code in order to eliminate this Department upon the adoption of such resolution and the execution and implementation of the contemplated Shared Services Agreement.

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

Section 1. Chapter 30 of the Montvale Borough Code is hereby repealed and deleted in its entirety.

Section 2. 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 3. 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 4. Effective date. This ordinance shall take effect upon the later to occur of the following: 1) passage and publication of this ordinance as required by law; and 2) the date of commencement of the contemplated Shared Services Agreement between the Borough of Montvale and the Township of River Vale concerning the creation of the Pascack Valley Department of Public Works serving the Township of River Vale and the Borough of Montvale, duly authorized by resolutions of each respective governing body.

Ordinance No. **2013- 1378** was introduced for second reading by Councilmember Curry ; seconded by Councilmember LaMonica ; Clerk read by title only
Motion to adopt on Second and Final Reading in the Bergen Record by Councilmember Lane; seconded by Councilmember Cudequest; Clerk read by title only -----

A roll call vote was taken
Cudequest - yes
Curry - no
Ghassali --- no
LaMonica -- yes
Lane -- yes
Talarico - absent

INTRODUCTION ORDINANCE NO. 2013-1379: AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE TO ADD A NEW CHAPTER 45A ENTITLED "GARAGE SALES
(public hearing Aug. 13th)

A motion to Introduce Ordinance **2013-1379** for first reading was made by Councilmember Curry; seconded by Councilmember Cudequest; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Ridgewood News; seconded by Councilmember Ghassali - A roll call was taken – all ayes
Councilmember Curry asked if there is a fee for permits;

MINUTES:

July 9, 2013

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

RESOLUTIONS:

124-2013 Refund Tax Court Settlements / Borough Audit

BE IT ROLVED, as a result of the annual audit by the borough auditors, the following taxpayers are due a refund for their Tax Court settlements:

702 / 30	Hartel Holding 1 LLC	\$2,803.57
902 / 7	Rochelle Graber	\$493.03
1401 / 16	Joseph Durkin	\$29.64
1405 / 19	Susan Romei	\$377.69

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

125-2013 Authorize Hiring / Edward Fredericks /Part Time Electrical Sub-Code Official

WHEREAS, the Borough of Montvale wished to hire a part-time Electrical Sub-Code Official in the Borough of Montvale; and

WHEREAS, Edward Fredericks meets the qualifications for this position, agrees to the terms and conditions of employment; and

WHEREAS, the terms and conditions of this employment shall be outlined in a separate letter of employment determined by the Mayor and Council; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that Edward Fredericks is hereby appointed part-time Electrical Sub-Code Official.

BE IT FURTHER RESOLVED, this appointment is a four (4) year term effective July 15, 2013.

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

126-2013 Appointing / Probationary Montvale Police Officer/ Maciej Zagaja

BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that Maciej Zagaja be and is hereby appointed as a 12 month Probationary Police Officer with the Borough of Montvale Police Department; and

BE IT RESOLVED, the effective date of employment is July 26, 2013.

BE IT FURTHER RESOLVED, Officer Zagaja will be placed on paid administrative leave for the duration of his time assigned for recruit training beginning July 2013 through his graduation date in December 2013.

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

127-2013 Authorize Hiring / Part Time On Call / Crossing Guard /Donna Dzadik

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

WHEREAS, Donna Dzadik 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 July 18, 2013.

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

128-2013 Refund Homestead Credit / Peter Pottberg

WHEREAS, a resolution authorizing this municipality to refund Homestead Credit for Block 2903 Lot 6.76 C003C property located at 3C Rustic Circle in the Borough of Montvale; 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 Peter Pottberg due to the State Department of Taxation Homestead Rebate

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

129-2013 Awarding State Contracts/Stateline Fire & Safety/Turnout Gear/Montvale Fire**Department**

WHEREAS, Stateline Fire & Safety, Inc., 50 Park Avenue, Park Ridge, New Jersey 07656 has been awarded State Contracts Numbers A80945, A80953 and A80957 for the purchase of turnout clothing and boots; and

WHEREAS, this State Contract is currently effective; and

WHEREAS, Fire Chief Clinton Miller recommends the utilization of these contracts for the purchase of turnout gear for the Montvale Volunteer Fire Department; an

WHEREAS, a Certification of Funds will be provided by the Chief Financial Officer and attached to the original of this resolution; and

NOW, THEREFORE, BE IT RESOLVED the Mayor & Council of the Borough of Montvale hereby awards the above referenced contracts for turnout gear to Stateline Fire & Safety, Inc.; and

BE IT FURTHER RESOLVED the Municipal Clerk shall forward a copy of this resolution to Accounts Payable, The Borough Treasurer, Chief Financial Officer and Stateline Fire & Safety, Inc.

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

130-2013 Governing Body Resolution Requesting Review and Approval of the Municipal Affordable Housing Trust Fund Spending Plan

WHEREAS, the Governing Body of Borough of Montvale, County of Bergen, petitioned the Council on Affordable Housing (COAH) for substantive certification on December 30, 2008; and

WHEREAS, Borough of Montvale received approval from COAH on August 9, 1994 of its development fee ordinance; and

WHEREAS, pursuant to the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (C. 52:14C-1 *et seq.*), the Governor abolished COAH and transferred all functions, powers, and duties to the Commissioner of the Department of Community Affairs, effective August 29, 2011; and

WHEREAS, as a result of the Reorganization Plan, No. 001-2011, the review formerly to be conducted by COAH is now conducted by the Department of Community Affairs' ("DCA" or "the Department"), Local Planning Services unit; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from the Department prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;

4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds, provided that the trust fund balance as of July 17, 2008 is committed for expenditure within four years of that date and that all development fees and any payments in lieu of construction are committed for expenditure within four years from the date of collection;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
9. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, Borough of Montvale has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Governing Body of Borough of Montvale , County of Bergen requests that DCA's Local Planning Services review and approve The Borough of Montvale's spending plan.

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

131-2013 Authorize Grant Agreement/County of Bergen/Improvements To Memorial & LaTrenta Tennis Courts

BE IT RESOLVED, that the Mayor and Council of Borough of Montvale wish to enter into a grant agreement with the County of Bergen for the purpose of using a \$50,735.00 grant award from the 2012 Funding Round of the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the project entitled Improvements Memorial & La Trenta Tennis Courts located in Block 2305 Lot 13 and Block 1001 Lot 4 on the tax maps of the Borough of Montvale;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Maureen Iarossi Alwan, Borough Administrator and Mayor Roger J. Fyfe to be a signatory to the aforesaid grant agreement CONTRACT; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Maureen Iarossi Alwan, Borough Administrator and Mayor Roger J. Fyfe to sign all County of Bergen Payment Vouchers submitted in conjunction with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognize that Borough of Montvale is liable for dollar for dollar match for any funds awarded in accordance with the Trust Fund's requirements;

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 Curry - All ayes
Councilmember Cudequest abstained on bill #00125

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

- Akers Ave paving will start within the next weeks
- Magnolia – will go for bid shortly
- Tennis Courts will start within the next few weeks
- Turf replacement will start early September

a. Update/United Water N.J./Water Main Installation/Montvale Commons/Nottingham Court
Met with United Water, will work directly with them for the installation;

ATTORNEY REPORT:

Philip Boggia, Esq.

Report/Update

- Update School #2

Received deed; waiting for wire instructions to send funds to the school;

UNFINISHED BUSINESS:

a. Public Hearing: Montvale/Park Ridge/Woodcliff Lake Police Consolidation Study

(study available on our website www.montvale.org or obtain a copy at The Municipal Complex)

Meeting Open To The Public:

A motion to open the meeting to the public by Councilmember Lane; seconded by Councilmember LaMonica

Tom Sullivan

Park Ridge Police have been policing certain streets in Montvale

Meeting Closed To The Public:

A motion to close the meeting to the public by Councilmember Lane; seconded by Councilmember LaMonica

A Roll Call Vote:

Cudequest - no

Curry - no

Ghassali - no

LaMonica -- no

Lane -- no

Talarico - absent

Borough Attorney clarified that at the meeting of June 25, Mayor Fyfe went over the study with councilmembers about the deficiencies in the study provided by Matrix because of the data that was used; Mr. Boggia continued to say that a comprehensive response will be provided as to why the report did not accurately reflect why a recommendation of consolidation would be beneficial. That meeting was open to the public.

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 Cudequest; seconded by Councilmember LaMonica – all ayes

Tom Sullivan

Ask for clarification about the garage sale ordinance; mentioned council did not do due diligence towards the DPW study;

A motion to close meeting to the public by Councilmember Cudequest; seconded by Councilmember LaMonica – all ayes

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

ADJOURNMENT

Meeting adjourned at 12am

The next Meeting of the Mayor and Council will be held August 13, 2013 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk