

**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 - absent
Councilmember Curry	Councilmember Lane – arrived 7:40pm
Councilmember Ghassali	Councilmember Talarico

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

MINUTES:

September 10, 2013

A motion to accept the minutes by Councilmember Cudequest; seconded by Councilmember Ghassali - all ayes Councilmember Talarico abstained

RESOLUTIONS:

160-2013 Tax Court Settlement / Block 1703; Lot 9 / Edward Sneath

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Edward Sneath (hereinafter the "Tax Appeal"), under Docket Number 018928-2011, and;

WHEREAS, the aforesaid tax appeal concerns a residential property located at 12 Dolores Drive, and is otherwise referred to as Block 1703 Lot 9 on the tax assessment map 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 would reduce the subject properties' assessment to \$465,000 in the 2011 tax year, and;

WHEREAS, the provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") shall be applicable to the terms of this settlement for the 2012 tax year only, 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 hereby approved, pursuant the terms set forth herein, and;

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Borough Administrator, Borough Tax Appeal 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 Ghassali; seconded by Councilmember Curry - All ayes

161-2013 Refund Tax Overpayment / Duplicate Payment / Block 1802; Lot 16 / Dennis Limatola

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 a duplicate payment which resulted in an overpayment, 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:

Dennis Limatola	49 Longridge Road	\$9,921.27
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Introduced by: Councilmember Cudequest; seconded by Councilmember Ghassali - All ayes

162-2013 Authorize Installation of Two New Fire Hydrants and a Water Main / 13A Grand Ave

WHEREAS, the Borough of Montvale and the Montvale Fire Department deem it necessary for the installation of two fire hydrants and a 560' of 8" water main at Montvale Commons aka 13A Grand Ave ; X-37029 – Investigation No. 53368; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, that United Water New Jersey, Inc. be and is hereby performing all the necessary excavation, backfilling and installation of the water main, services and fire hydrants as required.

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

163-2013 Authorize Grant Agreement/Community Development/Sr. Citizens Activities/ PS-MONTSR13

BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$3,274.00 in the years 2013/2014 Community Development Block Grant funds for Senior Citizen Activities within the Borough of Montvale; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Roger J. Fyfe, Mayor, to be a signatory for the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Maureen Iarossi-Alwan, Borough Administrator to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognized that the Borough of Montvale is liable for any funds not spent in accordance with the Grant Agreement, and that liability of the Mayor and Council is in accordance with HUD requirements.

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

164-2013 Authorize Payment #2/Final/Akers Ave Roadway Improvements/Reivax Contracting Co. Inc.

WHEREAS, a Contract was awarded by Resolution No. 47-2013 on January 29, 2013 in the amount \$162,223.20 for the base bid and Alternate A to Reivax Contracting Corporation, 356 Thomas Street, Newark, NJ 07114 for the Improvements to Akers Avenue Roadway; and

WHEREAS, Payment No. 1 in the amount of \$11,817.04 was authorized on August 13, 2013; and

WHEREAS, the Borough Engineer, in a letter dated September 4, 2013 attached to the original of the resolution takes no exception to Payment No. 2 in the amount of \$100,900.33; and

WHEREAS, the Municipal Finance Officer has certified funds are available as outlined in the Certification of Funds as attached to the original of this Resolution.

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

- 1) Payment #2 final payment in the amount of \$100,900.33 is hereby paid to Reivax Contracting Corporation, 356 Thomas Street, Newark, NJ 07114

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

165-2013 Authorize Payment #1/Improvements Memorial/LaTrenta Tennis Courts/Sita Construction Co., Inc.

WHEREAS, a Contract was awarded by Resolution No. 111-2013 on June 25, 2013 in the amount \$107,234.00 for the base bid and base bid 3 to SITA Construction Co., Inc., 7 Yankee Maid Lane, Goshen, New York for the Improvements to Memorial and LaTrenta Tennis Courts; and

WHEREAS, the Borough Engineer, in a letter dated September 4, 2013 attached to the original of the resolution takes no exception to Payment No. 1 in the amount of \$86,861.32; and

WHEREAS, the Municipal Finance Officer has certified funds are available as outlined in the Certification of Funds as attached to the original of this Resolution.

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

- 1) Payment #1 in the amount of \$86,861.32 be authorized and paid to Sita Construction Co. Inc.

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

166-2013 Awarding Professional Service Contract/Design Services/2013 Bergen County Curb Ramp Program/Grant/Maser

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide the design services for the 2013 Bergen County Curb Ramp Program; 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 September 18, 2013 to provide design services which is attached to the original of this resolution, and

WHEREAS, The proposed design fee is based on the preliminary approved locations, should the locations change, the fee may be increased or decreased based upon the County of Bergen agreement for design reimbursement.

These services are at no cost to the Borough of Montvale as Bergen County will reimbursed to the Borough of Montvale through the Grant.

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 Services
- 3) The cost not to exceed shall be \$14,300.00. 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 Ghassali; seconded by Councilmember Talarico - All ayes

167-2013 Awarding Contract /Magnolia Ave Roadway Improvement Project/Phase I A.J.M. Contractors

WHEREAS, the Borough of Montvale has a need for services in connection with the Magnolia Avenue Roadway Improvement Project; and

WHEREAS, consistent with the New Jersey *Local Public Contract Law, N.J.S.A. 40A:11-1*, et seq., the Borough of Montvale did publicly solicit bids for said project under the title "Magnolia Road Roadway Improvement Project" with bids due in September 2013; and

WHEREAS, said solicitation requested bids for a Base Bid plus Alternate A; and

WHEREAS, in response to said solicitation, two bids were received; 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 plus Alternate A; and

WHEREAS, the lowest bid for the Base Bid plus Alternate A was submitted by AJM Contractors, maintaining offices at 300 Kuller Road, Clifton, New Jersey, in the amount of \$134,659.75; and

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

WHEREAS, the offices of the Borough Engineer and Borough Attorney have reviewed this bid and have deemed it responsive to the bid specifications; 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:

Bidder	In the amount of:
AJM Contractors	Base Bid: \$129,659.75
300 Kuller Road	Alternate A: \$5,000
Clifton, New Jersey 07011	TOTAL \$134,659.75

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute a contract to effectuate the purpose of this Resolution, subject to approval by the Borough Engineer, Borough Attorney and concurrence with the New Jersey Department of Transportation (NJDOT).

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

168-2013 Awarding Professional Service Contract/Inspection Services/Magnolia Ave

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 Improvements to Magnolia Avenue Project; 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 August 7, 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 \$15,000.00. 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 Cudequest; seconded by Councilmember Curry - All ayes

169-2013 Awarding Professional Service Contract/Chestnut Ridge Road Widening/Maser

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide the engineering services for widening of Chestnut Ridge Road; 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 detailed proposal dated September 19, 2013 to provide engineering services which is attached to the original of this resolution, and

WHEREAS, the proposed engineering services and costs for this project total lump sum not to exceed \$78,500.00 detail breakdown as follows:

1. Preliminary (Conceptual) Design	\$12,000.00
2. Utility Layout & Relocation	\$8,500.00
3. County Coordination	\$10,000.00
4. Utility & Property Owner Coordination	\$10,000.00
5. Preparation of Final Plans & Specifications	\$33,000.00
6. Bidding Services	\$5,000.00

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.
- 4) That the following be provided: Various Professional Engineering Services
- 5) The cost not to exceed shall be \$78,500.00. 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 Talarico; seconded by Councilmember Cudequest - All ayes

170-2013 Authorize Release of Escrow/Block 204/Lot1/Aiello

WHEREAS, the Borough Treasurer, recommends the release and takes no exception to the release of the escrow funds posted for Block 204/Lot 1 as all inspections have been conducted; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale the inspection escrow in the amount of \$17.50 is hereby released to Eric Aiello, 106 Upper Saddle River Road, Montvale NJ 07645; and

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

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

171-2013 Repayment of Excess Tax Credit / TCAM Core Properties Operating Fund, L.P

WHEREAS, the Mayor and Council of the Borough of Montvale had previously approved the settlement of a tax appeal filed by TCAM Core Properties Operating Fund, L.P. (hereinafter the "Plaintiff"), under Docket Numbers 003971-2006; 004460-2007 and 005813-2008, and;

WHEREAS, a taxpayer refund had been issued to the Plaintiff in the amount of \$56,843.50, following the approval of the aforesaid settlement, and;

WHEREAS, it was subsequently determined that the aforementioned amount contained an excess payment amounting to \$18,947.50, which the Plaintiff has agreed to repay to the Borough, provided that the overpayment can be repaid over the course of four tax quarters, and;

WHEREAS, the Borough has accepted Plaintiff's request to repay the aforementioned amount over the course of four tax quarters in roughly evenly-distributed payments.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that TCAM Core Properties Operating Fund, L.P. will repay the \$18,947.50 that it had received from the Borough in an excess refund overpayment over the course of four tax quarters, and;

BE IT FURTHER RESOLVED, that the aforesaid payments shall be repaid to the Borough pursuant to the following payment schedule:

Payment 1:	October 15, 2013	\$4,736.70
Payment 2:	January 15, 2014	\$4,736.81
Payment 3:	April 15, 2014	\$4,736.93
Payment 4:	July 15, 2014	\$4,737.06

BE IT FURTHER RESOLVED, that the payments made herein shall not be applied as a credit or offset against any property taxes that are either currently owed or pending in the future against the property located at Block 1001 Lot 2.

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

BILLS: Municipal Clerk read the Bill Report

Motion to pay bills by Councilmember Cudequest; seconded by Councilmember Talarico - All ayes
Councilmember Cudequest abstained on bill # 00125 and bill #01335

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

- a. Authorize Payment #2 Final Payment Memorial & LaTrenta Tennis Courts/Sita Construction Co., Inc.

Resolution will be prepared for next meeting

- b. United Water – Montvale Commons – update

Piping will start within the next few weeks

Akers Ave paving is complete; some funds are leftover; a request has been submitted to the DOT to request curbing work;

Mayor Fyfe asked Mr. Hipolit to check with the County about the flashing light by Grand and Hillcrest; it's been down since Hurricane Sandy; Also, Mayor Fyfe mentioned that some residents on Spring Valley Road asked if the borough can put a crosswalk; Mr. Hipolit stated you probably cannot put a crosswalk because of no sidewalks and other factors;

Councilmember Talarico asked for an update regarding the water flow study; Mr. Hipolit stated he is waiting on the final report;

Councilmember Ghassali mentioned that there are some lights that need to be replaced by the tennis courts, seeing as how it was just renovated , can a truck be allowed on the surface. Mr. Hipolit suggested to find out what type of truck and he will let DPW know if it can be used.

ATTORNEY REPORT:

Philip Boggia, Esq.
Report/Update
No Report

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

- a. Request Permission to Attend NJ League of Municipalities Conference / Nov 18-22
 - F. Scordo

A motion to grant permission by Councilmember Lane; seconded by Councilmember Curry - 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 Cudequest – all ayes

Chief Miller

Asking permission to start the process to purchase a replacement engine truck; delivery of the truck would be approximately July 2015; After a brief discussion, permission was granted a motion by Councilmember Lane; seconded by Councilmember Talarico – all ayes

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

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

ADJOURNMENT

Meeting adjourned at 8:00pm

The next Meeting of the Mayor and Council will be held October 8, 2013 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk