

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:38pm. 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, Phil Boggia; Borough Engineer, Andy Hipolit; Administrator/Clerk, Maureen Iarossi-Alwan and Deputy Municipal Clerk, Fran Scordo

ORDINANCES:

INTRODUCTION ORDINANCE NO. 2013-1381 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING ORDINANCE 2013-1378 OF THE BOROUGH CODE AND DISSOLVING THE MONTVALE DEPARTMENT OF PUBLIC WORKS
(public hearing 12/10/2013)

A motion to Introduce Ordinance **2013-1381** 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 Bergen Record; seconded by Councilmember Cudequest - A roll call was taken – all ayes

MINUTES:

November 12, 2013

A motion to accept the minutes by Councilmember Lane; seconded by Councilmember Ghassali - all ayes Councilmembers LaMonica abstained

RESOLUTIONS:

187-2013 Change Order Professional Service Contract/Legal Services/Borough Attorney/Boggia & Boggia

WHEREAS, the Borough of Montvale awarded a professional service contract on January 2, 2013 for Attorney Services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5*; and,

WHEREAS, Boggia & Boggia, 71 Mt. Vernon Street, Ridgefield Park, NJ 07660 was awarded a one year contract via Resolution No. 24-2013; and

WHEREAS, a change order is necessary in the amount of \$70,000.00 for additional expenses for legal services provided to the Borough of Montvale

BE IT RESOLVED FUTHER RESOLVED, the Certified Municipal Finance Officer has certified the availability of funds and said certification is attached to the original of this resolution; and

BE IT RESOLVED, A Notice of this action shall be printed once in the official newspaper of the Borough.

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

188-2013 Authorizing Hiring / Full Time Floater /Deputy Registrar Vital Statistics Archive/Records/N. Maraj

WHEREAS, the Borough of Montvale is in need of hiring a full-time administrative employee in the Borough of Montvale in the capacities of Floater/Archive/Records and The State of New Jersey mandated position of Deputy Registrar of Vital Statistics; and

WHEREAS, On August 28, 2012 Narita Maraj became employed in the capacity of a part-time employee in the Floater/Archive/Records positions and has met the qualifications for these positions and is currently scheduled to become the Deputy Registrar of Vital Statistics 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 December 2, 2013.

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

189-2013 A Resolution Re-Authorizing, Re-Awarding and Re-Affirming a Professional Services Consulting Contract for DPW Shared Services Feasibility Study with LKM Consulting, LLC

WHEREAS, the Borough of Montvale had a need for a professional consultant to conduct a shared services feasibility study with the Township of River Vale concerning the department of public works; and

WHEREAS, pursuant to the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., contracts for professional services are exempt from public bidding; and

WHEREAS, the Borough had previously engaged the services of LKM Consulting concerning a feasibility study for a joint Municipal Court with the Boroughs of Woodcliff Lake and Park Ridge, and therefore the Borough received a proposal and statement of work from LKM Consulting, LLC to conduct this feasibility study based upon the hourly rates set forth in its proposal and for an amount not to exceed \$15,700.00; and

WHEREAS, the Borough believed in March 2013 and believes now that awarding this contract to LKM Consulting to perform this study was in the best interests of the Borough of Montvale, and did award said contract to LKM Consulting by Resolution No. 78-2013; and

WHEREAS, certain individuals have raised questions whether the passage of Resolution No. 78-2013 was procedurally proper and in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Borough rejects these allegations and denies any violation of the Open Public Meetings Act or other law in connection with the adoption of Resolution No. 78-2013; however, in order to clarify the record and correct any alleged deficiency, which is permitted by N.J.S.A. 10:4-15, the Borough of Montvale is desirous of re-authorizing, re-awarding and re-affirming its contract with LKM Consulting, LLC concerning LKM's performance of a Shared Services Feasibility Study for a joint public works department between the Borough of Montvale and the Township of River Vale; and

WHEREAS, the Borough of Montvale has received and reviewed the Shared Services Feasibility Study dated June 12, 2013, and acknowledges and accepts the findings and conclusions set forth therein, recognizing, however, that in the context of a feasibility study, there will always be some level of variability between projected figures and the actual, realized figures once an agreement has been implemented; and

WHEREAS, despite the allegations that the Study is flawed, the Borough accepts the findings of LKM as being substantially accurate and reliable; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that the above-referenced contract is hereby ratified as follows:

<u>Contractor</u>	<u>Amount</u>
LKM Consulting, LLC 11 Harter Road Morristown, NJ 07960	\$15,700.00 (not to exceed)

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and empowered to reaffirm and ratify the contract with LKM Consulting, LLC consistent with this Resolution, subject to approval by the Borough Attorney.

BE IT FURTHER RESOLVED that the provisions of this Resolution shall be deemed to apply retroactively to March 12, 2013, and that this Resolution shall be deemed to re-authorize, re-award, and re-affirm the contract awarded to LKM Consulting, LLC previously approved by the adoption of Resolution No. 78-2013, without any admission of fault or error concerning said prior resolution, and the Borough shall rely upon said report in connection with the decision to enter into a Shared Services Agreement with River Vale, which was approved by Resolution No. 145-2013, adopted on August 27, 2013.

Introduced by: Councilmember Lane; seconded by Councilmember Cudequest - All ayes
Borough Attorney Phil Boggia clarified the process of adopting this resolution due to the alleged allegations that it was not on the agenda for the March 12th, 2013 meeting.

190-2013 Confirm Endorsement/Community Development/Senior Citizen Activities Grant 2014-2015

WHEREAS, a Bergen County Community Development grant of \$4,000.00 has been proposed by the County of Bergen for Senior Citizens Activities 2014-2015 in the municipality of the Borough of Montvale, and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Montvale, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Montvale hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

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

191-2013 A Resolution Re-Authorizing, Re-Awarding and Re-Affirming Resolution No. 145-2013 and the Shared Services Agreement with the Township of River Vale Concerning the Creation of a New Pascack Valley Department of Public Works with River Vale as the 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 obtain a Feasibility Study conducted by LKM Consulting 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 Borough believed in March 2013 and believes now that the award of the contract to LKM Consulting to perform this study was in the best interests of the Borough of Montvale and was procedurally proper in all respects; and

WHEREAS, certain individuals have raised questions whether the passage of Resolution No. 78-2013 hiring LKM Consulting was procedurally proper and in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Borough rejects these allegations and denies any violation of the Open Public Meetings Act or other law in connection with the adoption of Resolution No. 78-2013; however, in order to clarify the record and correct any alleged deficiency, which is permitted by N.J.S.A. 10:4-15, the Borough of Montvale did re-authorize, re-award and re-affirm its contract with LKM Consulting, LLC concerning LKM's performance of a Shared Services Feasibility Study for a joint public works department between the Borough of Montvale and the Township of River Vale; and

WHEREAS, the results of the Feasibility Study conducted by LKM Consulting 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, Montvale and River Vale have negotiated a Shared Services Agreement upon terms and conditions that are substantially consistent with the recommendations of the Feasibility Study and as described in this Resolution, for an initial period of 10 years; 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, the Borough of Montvale did execute Resolution No. 145-2013 and thereafter entered 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; and

WHEREAS, certain individuals have raised questions whether the adoption of Resolution No. 145-2013 authorizing the execution of the Shared Services Agreement with River Vale was procedurally proper and in accordance with the Open Public Meetings Act, *N.J.S.A.* 10:4-6, et seq.; and

WHEREAS, certain individuals have also raised questions whether the Feasibility Study contained accurate and reliable information and whether it was conducted in accordance with accepted standards; and

WHEREAS, the Borough rejects these allegations and denies any violation of the Open Public Meetings Act or other law or procedure in connection with the adoption of Resolution No. 145-2013; and

WHEREAS, the Borough of Montvale has received and reviewed the Shared Services Feasibility Study dated June 12, 2013, and acknowledges and accepts the findings and conclusions set forth therein, recognizing, however, that in the context of a feasibility study, there will always be some level of variability between projected figures and the actual, realized figures once an agreement has been implemented; and

WHEREAS, the Borough rejects the allegations that the Study is flawed, and the Borough accepts the findings of LKM as being substantially accurate and reliable; and

WHEREAS, in order to clarify the record and correct any alleged deficiency, which is expressly permitted by *N.J.S.A.* 10:4-15, the Borough of Montvale is desirous of re-authorizing and re-affirming the Shared Services Agreement and Resolution No. 145-2013.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that Resolution No. 145-2013 and the Shared Services Agreement dated August 27, 2013, between Montvale and River Vale are hereby reaffirmed and ratified; and the Mayor and Borough Clerk are authorized and empowered to execute all necessary documents to effectuate the purposes of this Resolution.

Introduced by: Councilmember Lane; seconded by Councilmember Cudequest - All ayes
Borough Attorney Phil Boggia clarified the process of adopting this resolution due to the alleged allegations.

BILLS: *Municipal Clerk read the Bill Report*

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

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

- a. Proposal/Maser Required Bergen County Additional Survey Work/Chestnut Ridge Road Widening

Will have proposal for next meeting;

- b. FEMA Assistance to Fire Fighters grant – to purchase fire trucks

Mr. Hipolit explained about the grant that is available but submission is due the first week of December. After a brief discussion, it was decided to have Maser Consulting apply for the grant. A motion by Councilmember Lane not to exceed \$3,600; seconded by Councilmember Ghassali – all ayes

Councilmember Cudequest asked for clarification about paving roads and residential driveways; Mr. Hipolit explained that a “lip” of about 1-2 inches is place along residential driveways to divert water flow;

ATTORNEY REPORT:

Philip Boggia, Esq.
Report/Update
No Report

UNFINISHED BUSINESS:

a. Montvale Police Department/Promotional Procedure/Captain/Lieutenant/Sergeant
Chief Abrams explained that for the Sergeants and Lieutenants there was a test administered to all interested candidates; The test was designed by the States Chief of Police Association; Police Commissioner Talarico mentioned that a committee of councilmembers Ghassali , Cudequest and himself interviewed all candidates; all Councilmembers agreed to take the recommendation of the committee;

The promotions are as follows:

Sergeants will be McDowell and Szabo

Lieutenant will be Piatt

Captain will be Sanfillipo

A motion by Councilmember Lane to accept the recommendations of the committee; seconded by Councilmember LaMonica – a roll call was taken will all ayes
Swearing in will take place on December 10th

Councilmember Ghassali mentioned that five members of the public will volunteer to be on the budget committee with Councilmember Lane and Ghassali.

NEW BUSINESS:

Mayor Fyfe appointed Kari Solomon as 1st alternate to the Planning Board

8:30 Presentation: R. Hanrahan:

Proposed Montvale Tree Ordinance/Draft Ordinance
PowerPoint included with original minutes

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

Wolfgang Vogt

Thanked Bob and his committee for the Tree Ordinance presentation;

Bob Hanrahan

Wanted to bring to the attention of the council that he put in a generator; To his surprise the permit cost approximately \$450 and his assessment was increased and had to pay additional property taxes.

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

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

ADJOURNMENT

Meeting adjourned at 8:46pm

The next Meeting of the Mayor and Council will be held December 10, 2013 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk