

**RE-ORGANIZATION MEETING  
MINUTES**

The Re-Organization Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:10 PM. Adequate notification was published in the official newspaper of the Borough of Montvale according to the provisions of the Open Public Meeting Law (Chapter 231, P.L. 1975).

**SWEARING IN OF INCUMBEMENT COUNCILMEMBER**

Theresa Cudequest

**SWEARING IN OF INCUMBEMENT COUNCILMEMBER**

Michael Ghassali

**ROLL CALL**

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

**OPENING PRAYER**

Opening Prayer given by Pastor Jashua Rasdall Montvale Evangelical Free Church

**NOMINATION FOR POSITION OF COUNCIL PRESIDENT**

Motion by Councilmember Lane to nominate Councilmember LaMonica for Council President; seconded by Councilmember Cudequest - All ayes on roll call vote

**RESOLUTIONS (\*CONSENT AGENDA)**

All items listed on a consent agenda are considered to be routine and non-controversial by the Borough Council and will be approved by a motion, seconded and a roll call vote. There will be no separate discussion on these items unless a Council member(s) so requests it, in which case, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

**\*CONSENT AGENDA**

**RESOLUTIONS 01-2013 THROUGH 16-2013 & 19-2013 & 20-2013**

Introduced by Councilmember Lane; seconded by Councilmember Talarico - all ayes

**01-2013 Cash Management Plan**

**WHEREAS**, P. L. 1983, Chapter 8, Local Fiscal Affairs Law; N.J.S. 40A:5-2, has been amended to require that each municipality designate a Cash Management Plan for the deposit of each local unit's monies,

**NOW THEREFORE, BE IT RESOLVED**, that the following Cash Management Plan of the Borough of Montvale be and hereby is adopted:

A. **DESIGNATION OF OFFICIAL DEPOSITORIES:**

The following financial institutions are designated official depositories:

Bank of America  
Wells Fargo  
N.J. Cash Management Fund  
Valley National Bank

2. Designated Official depositories are required to submit to the Chief Financial Officer of the Borough of Montvale a copy of the State of New Jersey, Department of Banking, Governmental Unit Deposit Protection Act Notification of eligibility, which must be filed semiannually in the Department of Banking as of June 30<sup>th</sup> and December 31<sup>st</sup> of each year. Said Notices must be available for annual audit.
3. Designated official depositories are required to submit to the Chief Financial Officer a copy of institution's "Annual Report" on an annual basis.

**B. DEPOSIT OF FUNDS**

All funds shall be deposited within Forty-Eight (48) hours of receipt in accordance with State statute.

1. Operating funds shall be deposited into interest bearing accounts to maximize interest earnings.
2. Capital and Debt service funds may be deposited into interest bearing accounts. Non-Interest bearing accounts shall be regularly monitored for the availability of funds for investment.
3. Trust funds may be deposited into interest bearing accounts in accordance with the State statutes regulating the deposit of developer's escrow deposits. Non-Interest bearing accounts should be regularly monitored for availability of funds for investment except where either State or Federal laws prohibit the earning of interest on such funds.
4. Payroll and agency remittance funds shall be maintained in regular checking accounts, only insofar as they serve to compensate the bank for payroll data processing services.

**C. DEFINITION OF ALLOWABLE INVESTMENT INSTRUMENTS:**

The Borough may permit deposits and investments in such depositories as permitted in Section 4 of P.L. 1970, Chapter 236 (C.17:9-44) and other instruments specified below:

1. United States Treasury Bills (T-Bills)
2. Borough of Montvale Bonds or Notes
3. Commercial Bank Deposits and Certificates of Deposit (CD's)
4. Repurchase Agreements (Repo's)
5. Investments in Savings and Loan Association
6. United States Government Agency and Instrumentality Obligations
7. State of New Jersey Cash Management Fund
8. School District Obligations

**D. DEFINITION OF ACCEPTABLE COLLATERAL AND PROTECTION OF BOROUGH ASSETS**

1. All designated depositories must conform to all applicable State statutes concerning depositories of Public Funds.
2. All depositories shall obtain the highest amount possible F.D.I.C. and/or F.S.L.I.C. coverage of all Borough Assets (Demand and Certificate of Deposit)

3. Collateral will be required for all deposits and investments of the Borough, except for those in the State Cash Management Fund, collateral must have a market value of not less than 100 percent of all deposits and investments.
4. For pledges by depositories on Borough Funds, the following securities will be considered acceptable for pledges:
  - a. Any security backed by the U.S. Government
  - b. Any direct obligation of any taxing authority within the Borough of Montvale
  - c. Real Estate Mortgage Loans for Real Estate property located within the Montvale market area. Pledges of Real Estate Mortgage Loans shall be maintained at a market value of 115 percent of deposits
  - d. All pledges of collateral must be indicated on an advice copy of the investment instrument which shall be forwarded to the Chief Financial Officer or Treasurer

**E. COMPENSATING BALANCE AGREEMENTS:**

Where compensating balances are used to offset bank expenses, an agreement between the bank and the Borough shall be executed, specifying the charge for each service. Said agreement shall be reviewed annually.

**F. REPORTING PROCEDURES:**

The Chief Financial Officer shall prepare for the Mayor and Council of the Borough of Montvale the following investment reports:

1. MONTHLY REPORTING: A detailed listing of all investments purchased in the prior month, specifying the amount, interest percent per annum, number of days, period of investment and maturity date, interest amount at maturity and financial institutions with which investment is placed. This report shall be broken down by fund.
2. QUARTERLY REPORTING: A detailed summary analysis of all investments by fund, specifying the quarterly interest rate earned, quarterly interest earned on NOW and Savings Accounts and Year-To-Date total interest earnings.
3. The Treasurer shall prepare a schedule of outstanding investments for the independent auditors as of December 31<sup>st</sup> of each year and at other such times as required by the auditors.
4. The Treasurer shall also periodically provide analysis of average daily balances in interest bearing checking accounts vs. Other investment vehicle potential.
5. All such reports may include a comparison of current investment income vs. forecast, prior year or market conditions.

**G. DIVERSIFICATION REQUIREMENTS:**

The Chief Financial Officer and Treasurer shall closely examine investments to guard against the effects of a financial institution going into default. This may be accomplished through the practice of spreading the investments around in various designated official depositories.

H. MAXIMUM MATURITY POLICY:

Investments shall be limited to a maturity not to exceed one year on all operating funds unless a longer maturity is permitted within the provision of regulation promulgated by either the Federal or State Governments.

I. INVESTMENT PROCEDURES:

Bids for Certificates of Deposit and Repurchase Agreements will be solicited of at least three (3) designated depositories only if the amount is \$100,000 or greater.

Telephone bids will be solicited of designated depositories by the Chief Financial Officer or Treasurer or designated staff member.

The depository shall specify the principal amount of the investment bid on, interest rate and number of days used to calculate the interest to be paid upon maturity.

Interest paid shall be from the date the bid was awarded to the date of maturity.

All bidders may request the results of the bid after the bid is formally awarded.

A check or wire transfer of funds will be made available to the winning bidder on the same business day the bid is awarded.

Each quotation shall be documented to record the date and time of quote, the parties in the discussion, the instrument(s), maturities and rates. A bid form of the Borough may be used.

J. RETURN ON INVESTMENT:

Where the return on a proposed investment does not exceed the cost of making said investment by a minimum amount the Chief Financial Officer and/or Treasurer will not make the investment. The Chief Financial Officer and/or Treasurer shall have the discretion to award an investment to the bank wherein the funds reside, should that bank's quoted rate be less than other quoted rates received in the event that the differential in interest rates is less than 25 basis points, and providing that the term of the investment is less than fifteen (15) days.

K. CONTROLS:

When possible, the internal controls should provide for a separation of the investment placement functions and the accounting activity. Controls must be designed for telephone orders, wire transfers and securities safekeeping. Only specifically designated personnel shall be allowed to conduct this part of the transactions, and all activity should be subject to immediate written confirmation by the designated depository. The Treasurer shall review each day's activity.

L. BONDING:

The following officials shall be covered by surety bonds; said surety bonds to be examined by the independent auditor to insure their proper execution:

- Tax Collector
- Treasurer
- Municipal Court Administrator
- Deputy Municipal Court Administrator
- Magistrate

Staff members of the Department of Finance not covered by separate surety bonds shall be covered by a Public Employee's Faithful Performance Bond in the minimum amount of \$50,000.00

- M. COMPLIANCE:  
The Cash Management Plan of the Borough of Montvale shall be subject to the annual audit conducted pursuant to N.J.S. 40A:5-4.
- N. The official charged with the custody of the monies of the Borough of Montvale shall deposit them as designated by the Cash Management Plan and shall thereafter be
- O. relieved of any liability or loss of such monies due to the insolvency or closing of any depository designated in the Cash Management Plan pursuant to N.J.S. 40A:5-2.
- P. Where a conflict exists between this Cash Management Plan and State statute, the applicable State statute shall apply.
- Q. The Cash Management Plan shall be subject to the approval of the Borough Attorney.

**02-2013 Authorizing payment to the United States Postal Service to effect the use of a Post Machine**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that the Administrator be authorized to issue payment through appropriate methods, to the United States Postal Service, not to exceed One Thousand Dollars (\$1,000.00) per month, to affect the use of a Postal Franking Machine.

**03-2013 Establish 2013 Holiday Schedule For Administrative Non-Contractual Employees and Department of Public Works Contractual Employees**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the following 2013 Holiday Schedule for eligible Administrative non-contractual employees and Department of Public Works Contractual employees be and is hereby established:

**SECTION 1.** Mandatory holidays during which Borough Hall Administrative Offices and the Department of Public Works shall be closed:

<b><u>HOLIDAY</u></b>	<b><u>DAY OBSERVED</u></b>
New Year's Day	Tuesday, January 1, 2013
President's Day	Monday, February 18, 2013
Memorial Day	Monday, May 27, 2013
Independence Day	Thursday, July 4, 2013
Labor Day	Monday, September 2, 2013
Columbus Day	Monday, October 14, 2013
Veterans Day	Monday, November 11, 2013
Thanksgiving Day	Thursday, November 28, 2013
and the Day After	Friday, November 29, 2013
Christmas Day	Wednesday, December 25, 2013

**SECTION 2.** Two Floating Holidays, one each to replace Martin Luther King Day and Good Friday to be taken any time during the year. If not used during the calendar year, they will be lost with no ability to be carried or receive pay.

**SECTION 3.** Two one-half (1/2) day holidays to replace Election Day: one-1/2 day to be taken immediately before the Christmas Day holiday is observed and one-1/2 day to be taken immediately before the day the New Year's Day Holiday is observed.

If July 4<sup>th</sup> falls on Saturday, the holiday shall be observed on Friday. If July 4<sup>th</sup> falls on Sunday, the holiday shall be observed on Monday.

If Christmas Day and New Year's Day fall on Saturday, these two holidays shall be observed on Friday. Therefore, the two-1/2 holidays shall be observed on the Thursday before the holidays.

If Christmas Day and New Year's Day fall on Sunday, these two holidays shall be observed on Monday. Therefore, the two-1/2 holidays shall be observed on the Friday before the holidays.

**SECTION 4.** Pursuant to the Personnel Policy, those employees classified as full-time employees (working 35 hours or more each week) shall be entitled to all days, as outlined above in Section 1 through Section 3. Pursuant to the Personnel Policy, all employees classified as part-time employees (working less than 35 hours per week) and eligible to receive holidays, shall only be entitled to the holidays listed in Section 1, and only when the holidays fall on their regularly scheduled days of work.

**04-2013 Designating the Mayor, Municipal Clerk, Administrator, Chief Municipal Financial Officer, Treasurer, as Official signatories on Borough Warrants and the Judge, Municipal Court Administrator and Deputy Court Administrators as Official signatories on Municipal Court Accounts**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that the Mayor, Municipal Clerk, Treasurer, Borough Administrator, Certified Municipal Finance Officer are hereby designated as the official signatories on Borough Warrants.

**BE IT FURTHER RESOLVED**, that the Judge, Municipal Court Administrator and Deputy Court Administrator are hereby designated as the official signatories on all Municipal Court accounts.

**05-2013 Roll Call of the Councilmembers to be called in alphabetical order**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, NJ that a Roll Call of the Councilmembers at the Council meetings is to be taken in alphabetical order.

**06-2013 Authorizing the Mayor, Clerk and Collector to issue warrants for certain items with ratification at the following meeting**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, NJ, that the Mayor, Clerk and Collector be authorized to issue warrants for the following purposes, with ratification at the following meeting, on due dates for the following items:

- Board of Education, Montvale, NJ
- Pascack Valley Regional Board of Education
- County Tax
- Bergen County Sewer Authority
- Medical Insurance
- Life Insurance
- Bond and Note Payments
- Interest on Bonds and Notes
- Payrolls
- Investments
- Gasoline
- Scavenger Service

**07-2013 All bills to be presented in proper form to the Finance Department no later than the 25<sup>th</sup> of each month**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that all bills must be presented in proper form to the Finance Department no later than the 25th of each month, and;

**BE IT FURTHER RESOLVED**, that any bills received later than this date shall be held over for payment until the following month.

**08-2013 Change Fund in the amount of \$100.00 be provided for the Municipal Clerk, Collector/Treasurer, \$50.00 for the Dog/Cat License Registrar, \$100.00 for the Court**

**Violations Clerk and \$50.00 for the Police Department**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that a Change Fund in the amount of \$100.00 be provided for the Municipal Clerk/Collector Treasurer, \$50.00 for the Dog/Cat License Registrar, \$100.00 for the Court Violations Clerk, and \$50.00 for the Police Department.

**09-2013 Designation of official newspapers for advertising for the Borough of Montvale**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that the following newspapers are hereby designated as the official newspapers for advertising for the Borough of Montvale, NJ for the year 2013:

- The Record – Hackensack, N.J.
- The Ridgewood News – Hackensack, N.J.

**10-2013 Fixing the rate of interest to be charged for the nonpayment of taxes, assessments and excess sewer fees**

**WHEREAS**, R.S. 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for nonpayment of taxes, assessments and excess sewer fees subject to any abatement or discount for the late payment of taxes, assessments and excess sewer fees as provided by law; and

**WHEREAS**, R.S. 54:4-67 has been amended to permit the fixing of said rate of 8% per annum of the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00;

**NOW THEREFORE, BE IT RESOLVED**, by the Borough of Montvale, County of Bergen, State of New Jersey, as follows:

1. The Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 of taxes and excess sewer fees becoming delinquent after due date and 18% per annum on any amount of taxes and excess sewer fees in excess of \$1,500.00 becoming delinquent after due date, subject to any abatement or discount for the late payment of taxes and excess sewer fees as provided by law.
2. Re Chapter 72 laws of 94 CTC 94-3. If the new tax bills are not in the mail by June 14, interest will then be charged 25 calendar days after the bills were mailed. Interest shall be calculated from August 1.
3. No interest shall be charged if payment of any quarterly tax payment and bi-annual excess sewer fess is received within ten (10) days of the date upon which the same becomes payable.
4. In connection with any delinquency of taxes, assessments or municipal charges in excess of \$10,000 which has not been paid prior to the end of a calendar year, there shall be imposed a penalty in a sum equal to six (6%) percent of the delinquency in excess of \$10,000.
5. With respect to tax certificates in excess of the sum of \$200 the following additional penalties shall be charged: two (2%) percent on the amount due over \$200 up to \$5,000; four (4%) percent of the amount due over \$5,000 up to \$10,000; and six (6%) percent on the amount in excess of \$10,000; plus cost 2% and \$25.00 per Title 54.
6. Any payments not made in accordance with Paragraph Two of this resolution shall be charged interest from the due date, as set forth in Paragraph One of this resolution.
7. The Tax Collector is authorized to hold a tax sale for unpaid taxes and/or excess sewer charges.
8. This resolution shall be published in its entirety once in the newspaper.
9. A certified copy of this resolution shall be provided by the Office of the Municipal Clerk to each of the following officials: Tax Collector; Borough Attorney; Borough Auditor; Chief Financial Officer.

**11-2013 Order of business to be followed at all regular meetings of the Mayor and Council**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that the agenda will be established and printed for each regular meeting of the Council, and that only items of business on the printed agenda will be considered at such regular meeting.

**BE IT FURTHER RESOLVED**, that the following order of business shall be followed at all public meetings of the Mayor and Council of the Borough of Montvale, N.J.

1. Roll Call

2. Reading and/or approval of all unapproved minutes
3. Second reading, public hearing and final passage of ordinances and introduction of ordinances
4. Presentation of resolutions
  
5. Presentation of bills
6. Reports of committees, Mayor, Treasurer and Administrator
7. Both Public and Workshop Meetings open to public to speak
8. Old Business
9. New Business
10. Reading of all communications, petitions, etc
11. Adjournment

The Borough Council will conduct a meeting on the last Tuesday of each month, which will serve as workshop sessions. Action may be taken at this meeting.

The public is invited to attend all meetings and speak at all public and workshop sessions of the Mayor & Council.

**12-2013 Establishing a \$500.00 Petty Cash Fund for payment of incidental disbursement for minor items of necessary expense**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that the Mayor, Municipal Clerk and Treasurer issue a warrant on CURRENT ACCOUNT, payable to Borough of Montvale - Petty Cash account in the amount of \$500.00. This is to establish Petty Cash Funds for payment of incidental disbursements for minor items of necessary expense as follows:

Tolls/Travel Expenses/Food  
 Conferences (Under \$65)  
 Postage

**WHEREAS**, the maximum single expenditure is \$65.00; and

**WHEREAS**, authorized officials allowing Petty Cash expenditures are the Treasurer, Municipal Clerk/Borough Administrator.

**13-2013 All monies collected by any Borough Official or Employee of the Borough shall be turned over the Borough Treasurer within 48 hours**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that all monies collected by any Borough Official or Employee of the Borough of Montvale, N.J. shall be turned over to the Borough Treasurer, in full, within forty-eight (48) hours, without any fees being deducted.

**BE IT FURTHER RESOLVED**, that any fees to which any Borough Official or Employee is entitled shall be set forth in detail on a regular Borough Voucher and presented for payment in the same manner as all bills are submitted.

**14-2013 Establish Mayor & Council Meeting Schedule for the Year 2013**

**BE IT RESOLVED**, the meetings of the Mayor and Borough Council shall be held on the following dates for the year 2013 at the location of Borough of Montvale, Municipal Complex, 12 Mercedes Drive, 2<sup>ND</sup> Floor, Montvale, New Jersey. All meetings will commence at 7:30 PM.

January 2	Organization Meeting
January 8	Public Meeting
January 29	Workshop Session
February 12	Public Meeting
February 26	Workshop Session
March 12	Public Meeting
March 26	Workshop Session
April 9	Public Meeting
April 30	Workshop Session
May 14	Public Meeting

May 28	Workshop Session
June 11	Public Meeting
June 25	Workshop Session
July 9	Public Meeting
July 30	Workshop Session
August 13	Public Meeting
August 27	Workshop Session
September 10	Public Meeting
September 24	Workshop Session
October 8	Public Meeting
October 29	Workshop Session
November 12	Public Meeting
November 26	Workshop Session
December 10	Public Meeting
<i>*December 23</i>	Workshop Session

**\*Please note this date is a Monday**

Meeting dates are subject to change. 48 hour notification will be provided per N.J.S.A. 10:4-18.

**ACTION MAY BE TAKEN AT BOTH PUBLIC AND WORKSHOP MEETINGS.**

**15-2013 Open Public Meetings Act, Chapter 231 of Public Laws of the State of New Jersey/Closed Sessions Governing Body**

**WHEREAS**, it is necessary for the Mayor and Council of the Borough of Montvale to discuss matters relating to such matters and which matters are permitted by Section 7.b of the Open Public Meeting Act, Chapter 231 of the Public Laws of the State of New Jersey for 1975 to be discussed in closed session in the absence of the public from time to time:

- 1.) Any matter considered confidential by federal law, state statute, or court rule;
- 2.) Any matter in which the release of information would impair the receipt of federal funds;
- 3.) Any material which would constitute an unwarranted invasion of individual privacy if disclosed;
- 4.) Any collective bargaining agreements or other discussion of the terms and conditions of a collective bargaining agreement, including negotiations leading up to such an agreement;
- 5.) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds where disclosure of such matter could adversely affect the public interest;
- 6.) Any tactics and techniques used in protecting the safety and property of the public and investigations of violations or possible violations of the law;
- 7.) Any pending or anticipated litigation or contract negotiations in which the public body is or may become a party, and any matter falling within the attorney-client privilege, to the extent that confidentiality is required to preserve the attorney-client relationship;
- 8.) Personnel matters related to the employment, appointment or termination of current or prospective employees, unless all individuals who could be adversely affected request, in writing, that the matter be discussed at a public meeting;
- 9.) Any deliberations of a public body occurring after a public hearing that may result in the imposition of a fine upon an individual or the suspension or the loss of license or permit belonging to an individual;

**WHEREAS**, the Mayor and Council of the Borough of Montvale have determined that it is necessary in the public interest that the matters in fact be discussed in closed session, and has estimated that as nearly as can now be ascertained, the results of the discussion can be disclosed to the public at the conclusion of such matters; and

**WHEREAS**, any motion to go into closed session will be deemed to include a motion that the matters discussed at such closed session will be disclosed to the public when such matters are finally determined and there is no further reason to prohibit the public disclosure of information relating to such matters; and  
**NOW, THEREFORE BE IT RESOLVED**, that any motion to go into closed session shall have the same effect as this resolution being adopted; and

**16-2013 Adoption of year 2013 By-Laws of the Mayor and Council of the Borough of Montvale**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that the By-laws of the Mayor and Council of the Borough of Montvale are hereby adopted.

**Included with original minutes**

**19-2013 Establishing a procedure for the periodic release of minutes of executive/session minutes**

**WHEREAS**, the Borough Council of the Borough of Montvale periodically conducts executive session meetings pursuant to N.J.S.A. 10:4-12; and

**WHEREAS**, the Borough Council is desirous of establishing a procedure for the periodic release of minutes of executive session meetings.

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

1. Borough Council Minutes Review Committee. There shall be a minutes review committee (MRC) consisting of the Borough Administrator, the Borough Attorney and the Municipal Clerk, whose job shall be to periodically review the minutes of closed sessions of the Borough Council and make recommendations to the Borough Council which minutes should be made public. The MRC shall have no power and shall not be a "public body" within the meaning of the Open Public Meetings Act.
2. Meetings of MRC. The MRC shall meet on an as-needed basis. Meetings of the MRC shall be as scheduled at the convenience of the MRC members by the Borough Administrator.
3. Preparatory staff work. Prior to each meeting of the MRC, the Borough Attorney shall prepare a list of all closed sessions minutes which have been prepared by the Borough Attorney that have not been made public. The list and the minutes listed shall be made available to the MRC at their meetings.
4. Basis for recommendation. Recommendations to make minutes public shall be on a case-by-case basis, taking into consideration both the interest in maintaining confidentiality set forth in N.J.S.A. 10:4-12 and the interest in prompt disclosure set forth in N.J.S.A. 10:4-14.

The applicable guidelines set forth in paragraph 7 of this resolution may be considered as a general standard.

5. Decision. The decision to make public the minutes of any closed session shall be made only by the Governing Body of the Borough of Montvale and shall be based on a finding that public disclosure of the matters discussed at such closed session will not be detrimental to the public interest. In making this finding, the public body shall take into consideration, but need not agree with, the recommendation of the MRC and the basis for the recommendation as set forth in paragraph 4 above. In cases where more than one matter was discussed in closed session, the public body may elect to make public only the minutes pertaining to certain of those matters, and to keep the remaining portion(s) of the minutes confidential. Should the minutes contain any material entitled to protection, the public body shall excise or redact such protected matter, provided, that all materials required to be contained in the minutes by N.J.S.A. 10:4-14 shall be set forth.

6. Once public, always public. Minutes which are made public shall not thereafter be treated as confidential, but may be seen and copied by any person in the same manner as minutes of open meetings.

7. Guidelines. The following general guidelines pertaining to the nine purposes for closed meetings set forth in N.J.S.A. 10:4-12.B, may be considered in recommending and deciding when to make public minutes of closed session;
- (a) Matters required by law to be confidential. When the need to preserve the secrecy of the confidential information discussed no longer exists; provided, that material entitled to court protection shall not be disclosed.
  - (b) Matters affecting the right to receive federal funds. When disclosure would no longer impair the right to receive funds or cause funds already received to be forfeited.
  - (c) Matters involving individual privacy. Such matters shall not be disclosed except as ordered by a court of competent jurisdiction, or with the written consent of all of the individual(s) concerned.
  - (d) Matters relating to collective bargaining agreements. When the collective bargaining agreement has been made, executed, and ratified.
  - (e) Certain matters involving public funds. After the transaction involving the public funds has been made.
  - (f) Matters affecting public safety and property. When the disclosure would no longer impair the safety and property of the public or the conduct of any investigation.
  - (g) Litigation, contract negotiation and certain privileged matters. As to litigation, when a final decision has been rendered and all rights of appeal are exhausted; as to anticipated litigation, when the statute of limitations has been made as to contract negotiation, when either the contract has been made and is binding on all parties or if not made, when negotiation is terminated; as to matters falling within the attorney-client privilege, at such time, if ever, that disclosure would not violate the attorney's ethical duties.
  - (h) Employment matters. When the employment decision has been made and all rights to litigate or appeal are exhausted; provided, that material entitled to court protection shall not be disclosed.
  - (i) Deliberations after hearing in penalty matters. After the decision of whether to impose the penalty has been made and all rights to litigate or appeal are exhausted; provided, that material entitled to court protection shall not be disclosed.

**20-2012: Adoption Borough Policy & Procedure Manual/Year 2013**

**WHEREAS**, it is the policy of Borough of Montvale to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

**WHEREAS**, the Montvale Governing Body has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

**NOW, THEREBY, BE IT RESOLVED** by the Mayor & Council of the Borough of Montvale that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

**BE IT FURTHER RESOLVED** that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

**BE IT FURTHER RESOLVED** that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor & Council.

**BE IT FURTHER RESOLVED** that to the maximum extent permitted by law, employment practices for the Borough of Montvale shall operate under the legal doctrine known as “employment at will.”

**BE IT FURTHER RESOLVED** that the Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Borough Attorney shall assist the Administrator in the implementation of the policies and procedures in this manual.

**BE IT FURTHER RESOLVED**, this manual shall be distributed to managerial/supervisory employees of the Borough of Montvale

### **NON-CONSENT AGENDA RESOLUTION**

#### **00-2013 Temporary Budget**

Prepared by the CFO; original resolution in Municipal Clerks office and included with original minutes

Introduced by Councilmember Lane; seconded by Councilmember Cudequest – all ayes

#### **17-2013 Officers Fire Department**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that the following Officers of the Montvale Fire Department be approved for the year 2013:

Fire Chief	-	Clinton Miller, Sr.
Assistant Fire Chief	-	Geoffrey Gibbons
Captain 1	-	Kevin Krazit
Captain 2	-	Michael Barnes
Lt., Company #1	-	Ryan Miller
Lt., Company #2	-	Joe Kolasar

Introduced by Councilmember Lane; seconded by Councilmember Talarico – all ayes

#### **18-2013 NJ Pay to Play Law/Professional Service Contract Appointments/Year 2013**

**WHEREAS**, on January 2006, the “New Jersey Local Unit Pay to Play” Law, N.J.S.A. 19:44A-20.4, et. seq., took effect; and

**WHEREAS**, the Borough of Montvale has a need to award certain professional contracts for services required by the municipality in calendar year 2013; and

**WHEREAS**, the Pay to Play Law permits such services to be acquired through the ‘non-fair and open’ process as declined in N.J.S.A. 19:44A-20.4 or 20.5 on those contracts where it is anticipated that the total cost will exceed \$17,500.00; and

**WHEREAS**, the anticipated term of these contracts is 1 year; and

**WHEREAS**, the public good and interest of the citizens of the Borough of Montvale will best be served by the “non-fair and open” process to secure experienced professional services, rather than the “fair and open” process awarding a contract to the lowest bidder; and

**WHEREAS**, each professional will be required to first complete and submit a Business Entity Disclosure Certification which certifies these professionals have not made any reportable contributions to a political or candidate committee in the Borough of Montvale in the previous one year, and that said professionals will be prohibited from making any reportable contributions through the term of the contract, and

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

The following professional 2013 contracts shall be awarded under the “non-fair open” process at the next regular meeting of the Governing Body:

*Borough Attorney:* Philip N. Boggia, Esq.  
Boggia & Boggia, Esqs.  
71 Mt. Vernon Street  
Ridgefield Park, NJ 07660

*Borough Engineer:* Andrew Hipolit  
Maser Consulting P.A.  
200 Valley Road, Suite 306  
Mount Arlington, NJ 07856

*Auditor:* Jeff Bliss  
Lerch, Vinci & Higgins  
1717 Route 208  
Fairlawn, NJ 07407

The said professionals, prior to securing such contract, shall execute and file with the Municipal Clerk, a *2013 Business Entity Disclosure Certification* pursuant to N.J.S.A. 19:44A-20-8.

Introduced by Councilmember Lane; seconded by Councilmember Talarico – all ayes

**OATHS OF OFFICE ADMINISTERED TO OFFICERS OF MONTVALE FIRE DEPARTMENT  
SWEARING IN BY MAYOR ROGER J. FYFE**

Fire Chief Clinton Miller, Sr.  
Fire Department Assistant Chief Geoffrey Gibbons  
Fire Department Captain, Company # 1, Kevin Krazit  
Fire Department Captain, Company # 2, Michael Barnes  
Fire Department Lieut., Company # 1, Ryan Miller  
Fire Department Lieut., Company # 2, Joe Kolasar

**MAYOR & GOVERNING BODY APPOINTMENTS, 2013 STAFF, BOARD AND COMMITTEE  
APPOINTMENTS**

Mayor Fyfe read the staff, board and committee appointments into the record. (Listing attached to original minutes).

A motion by Councilmember Cudequest; seconded by Councilmember Talarico  
Councilmember Lane asked about the tax office not being mentioned; the administrator stated the tax collector has been appointed to a four year term and is not due to expire yet; Councilmember Ghassali asked about the DPW foreman position; the Mayor stated that will be discussed at a later date  
- All ayes on a roll call vote

**OPEN MEETING TO PUBLIC:**

Motion to open meeting to the public by Councilmember Cudequest; seconded by Councilmember Talarico - All ayes

**Rob Hermansen, former Freeholder**

Congratulated Councilmembers Ghassali and Cudequest on their re-election; he also commended the borough for their shared services and thanked the borough and continue doing a great service;

**CLOSE MEETING TO PUBLIC:**

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Talarico  
- All ayes

**COUNCIL COMMENTS:****Councilmember Lane**

Congratulated Councilmembers Ghassali and Cudequest on their re-election; wanted to thank all the volunteers and professionals for keeping the town running during the past year; looking forward to working with Chief Miller and his team.

**Councilmember Ghassali**

Looking forward for serving the next 3 years; special thank you to all the volunteers and paid personnel from the Fire Dept, Tri-boro, DPW and Police; thanked all administrative personnel that work behind the scenes; Moving forward he would like to continue with working with the schools on Safety, second he added about the financial stability of the borough, we are on the right track about reducing costs and working smarter and finally continue with transparency; thanked Mayor Fyfe for his hard work during Hurricane Sandy.

**Councilmember Curry**

Good Evening – thanked volunteers; thanked many residents for communicating their ideas and opinions; look forward to the input from the residents regarding the Firehouse and School #2; Congratulated Councilmembers Ghassali and Cudequest on their re-election; would like to acknowledge the good work that the Mayor, administration, OEM, Fire Dept, Tri-boro, DPW and the Police Dept did during Hurricane Sandy; and finally thanked everyone for the opportunity to serve.

**Councilmember Cudequest**

Thanked the residents of Montvale for their vote In November; first 3 years have been rewarding; met a lot of new people who volunteer their time to sit on boards and/or committees, their common goal is to do what best for the town; looking forward to working with the mayor and council with the challenges ahead and added we don't always agree with one another but do have tremendous respect for each other.

**Councilmember LaMonica**

Council faced a lot of challenges this past year which will carry over to 2013; we don't always agree but do have tremendous respect for each other; thanked all the volunteers and paid staff for their efforts during Sandy; finally would like to encourage all residents to recycle more, think green and reduce the carbon footprint.

**Councilmember Talarico**

Congratulated fellow councilmembers on their re-election; this will be sixth year serving the borough and would like to renew his commitment to serving the borough; made great strides with a tight budget; Encouraged the residents to take an active role in the community by coming to meetings, making their voices heard and volunteering; finally please continue to support the victims of Hurricane Sandy and please pray for the families of the 26 victims of Sandy Hook and for the entire town of Newtown, CT

**Mayor Fyfe**

Seems to be a theme about volunteerism; glad to see the amount of volunteers; very proud to see the fire and police do what they do during the hurricane, no words can describe what the mayor experienced the week he spent with them; added by saying the current councilmembers are a group of dedicated people and the mayor is proud to be working with them; Once again encourage the residents to come to meetings

**CLOSING PRAYER**

Closing prayer given by Pastor Jashua Rasdall Montvale Evangelical Free Church

Motion to adjourn Re-Organization meeting by Councilmember Lane; seconded by Councilmember Cudequest - All ayes.

Meeting adjourned at 7:55PM

Next scheduled Mayor and Council meeting will be held January 8, 2013 @ 7:30PM

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