

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:32PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Mayor Fyfe led the Pledge of Allegiance to the Flag, and roll call was taken.

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting was provided to The Bergen Record and/or 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).

Also Present: Borough Attorney, Joe Voytus; Borough Engineer, Andrew Hipolit; Administrator/Municipal Clerk, Maureen Iarossi-Alwan; and Deputy Municipal Clerk, Fran Scordo

ROLL CALL:

Councilmember Cudequest	Councilmember LaMonica
Councilmember Curry	Councilmember Lane - absent
Councilmember Ghassali	Councilmember Talarico

Presentation: Potential Development Of Site Of Former School #2

Charlotte Vandervalk, Director of Development, Bergen County Housing Authority
Provided a preliminary plan to build a special needs complex in place of School #2;
Mayor Fyfe asked for a motion to submit either potential plan from United Way and the Bergen County Housing Authority; a motion by Councilmember Ghassali to submit United Way plan to the Planning Board; seconded by Councilmember LaMonica – a roll call vote was taken – all ayes

Mayor Fyfe recused himself for this portion of the meeting; Council President Talarico continued the meeting;

ORDINANCES:

INTRODUCTION: ORDINANCE NO. 2014-1382 AN ORDINANCE TO PROVIDE FOR THE PRESERVATION OF TREES ON RESIDENTIAL PROPERTIES THROUGHOUT THE BOROUGH OF MONTVALE AND CREATING A NEW CHAPTER 119A IN THE BOROUGH CODE ENTITLED "TREE PRESERVATION"

(public hearing 2/ 11/14)

Borough attorney mentioned two sections should be amended – with the amended sections a motion to Introduce Ordinance **2014-1382** for first reading was made by Councilmember Curry; seconded by Councilmember Cudequest; Clerk read by title only; Councilmember Cudequest made a motion that this ordinance be passed on first reading and advertised, in full, the Bergen Record; seconded by Councilmember Curry - Roll call vote was taken – all ayes

Attorney Joe Voytus read the following statement:

On the advice of counsel, the Mayor has recused himself from voting on the pending Ordinance that will remove Chapter 30 from the Borough Code.

As the public is no doubt aware, the Governing Body has entered into a Shared Services Agreement with River Vale for the provision of public works services. That Agreement is in full force and effect, and the former members of the Montvale DPW – who did not apply for positions with the Pascack Valley DPW – have been let go.

In the litigation that the former members of the Montvale DPW have filed, they have alleged that the Mayor had a conflict of interest related to the shared services agreement. We do not believe there is any merit to that allegation, since all hiring authority rested exclusively with the Township of River Vale. However, out of an abundance of caution, we have asked the Mayor to recuse himself from voting on this Ordinance.

It should be noted that the adoption of this Ordinance is effectively a clerical matter. There is no longer a Montvale DPW, and all functions of the department have been transferred to the joint Pascack Valley Department of Public Works. What this Ordinance does is to simply remove those sections of the Borough Code that reference the Montvale DPW, because they are no longer applicable.

As we have stated previously, New Jersey law permits and encourages corrective action to be taken to cure alleged procedural defects in prior municipal action. We believe that taking this corrective action, without the Mayor’s participation, will help end the litigation that has been filed challenging the Borough’s right to enter into a shared services agreement – an agreement projected to save more than \$400,000 per year that is deemed in the public interest and presumed valid under New Jersey law.

INTRODUCTION: ORDINANCE NO. 2014-1383 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
(public hearing 1/28/14)

A motion to Introduce Ordinance **2014-1383** for first reading was made by Councilmember Curry; seconded by Councilmember Cudequest; Clerk read by title only; Councilmember Cudequest made a motion that this ordinance be passed on first reading and advertised, in full, the Bergen Record; seconded by Councilmember Ghassali - Roll call vote was taken – all ayes

MEETING OPEN TO PUBLIC:

Agenda Items Only

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

NO PUBLIC COMMENT

Motion to close meeting to the public by Councilmember Cudequest; seconded by Councilmember Ghassali - All ayes

MEETING CLOSED TO PUBLIC:

Agenda Items Only

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:111 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the Contract itself must be available for public inspection;

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

1. The Mayor and Municipal Clerk of the Borough of Montvale are hereby authorized and directed to execute the attached Contract with Boggia & Boggia.
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services are to be performed by a person authorized by law to practice a recognized profession.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. A Notice of this action shall be printed once in the official newspaper of the Borough.

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

22-2014 Award Professional Service Contract / Borough Auditor / Lerch, Vinci & Higgins

WHEREAS, the Borough of Montvale has a need to acquire Auditor 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, Lerch, Vinci & Higgins, LLP, 17-17 Route 208, Fair Lawn, NJ 07410 were appointed at the Re-organization Meeting of the Governing Body on January 6, 2014; and

WHEREAS, the anticipated term of this contract is for 1 year; and

WHEREAS, the Certified Municipal Finance Officer has certified the availability of funds; and,

WHEREAS, Lerch, Vinci & Higgins, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Borough of Montvale in the previous one year, and that the contract will prohibit Lerch, Vinci & Higgins, LLP from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:111 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the Contract itself must be available for public inspection;

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

1. The Mayor and Municipal Clerk of the Borough of Montvale are hereby authorized and directed to execute the attached Contract with Lerch, Vinci & Higgins
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services are to be performed by a person authorized by law to practice a recognized profession.

3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

4. A Notice of this action shall be printed once in the official newspaper of the Borough of Montvale.

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

23-2014 Award Professional Service Contract / Engineering Services / Maser Consulting P.A. Andrew R. Hipolit, P.E., PP., C.M.E.

WHEREAS, the Borough of Montvale has a need to acquire Engineering 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, Maser Consulting P.A., 200 Valley Road, Mount Arlington, NJ 07856 were appointed at the Re-organization Meeting of the Governing Body on January 6, 2014; and

WHEREAS, Andrew R. Hipolit, shall be designated as Principal In Charge for all services provided to the Borough of Montvale, and

WHEREAS, the anticipated term of this contract is for 1 year; and

WHEREAS, the Certified Municipal Finance Officer has certified the availability of funds; and,

WHEREAS, Maser Consulting. has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Borough of Montvale in the previous one year, and that the contract will prohibit Maser Consulting from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (*N.J.S.A. 40A:111 et seq.*) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the Contract itself must be available for public inspection;

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

1. The Mayor and Municipal Clerk of the Borough of Montvale are hereby authorized and directed to execute the attached Contract with Maser Consulting.
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with *N.J.S.A. 40A:11-5(1)(a)* of the Local Public Contracts Law because the services are to be performed by a person authorized by law to practice a recognized profession.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. A Notice of this action shall be printed once in the official newspaper of the Borough

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

24-2014 Award Professional Service Contract / Borough Planner / Phillips, Preiss & Grygiel, LLC

WHEREAS, the Borough of Montvale has a need to acquire Municipal Planner 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, Phillips, Preiss & Grygiel, LLC were appointed at the Re-Organization Meeting of the Governing Body on January 6, 2014; and

WHEREAS, it is the desire of the Mayor and Borough Council to appoint Richard P. Preiss of the planning firm of Phillips, Preiss & Grygiel, LLC, 33-41 Newark Street, Hoboken, NJ 07030 for planning services for the Borough for this period; and

WHEREAS, the anticipated term of this contract is for 1 year; and

WHEREAS, the Certified Municipal Finance Officer has certified the availability of funds; and,

WHEREAS, Phillips, Preiss & Grygiel, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Borough of Montvale in the previous one year, and that the contract will prohibit Phillips, Preiss & Grygiel, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (*N.J.S.A. 40A:111 et seq.*) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the Contract itself must be available for public inspection;

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

1. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services are to be performed by a person authorized by law to practice a recognized profession.
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
3. A Notice of this action shall be printed once in the official newspaper of the Borough.

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

25-2014 Awarding Service Contract / Agreement Tri-State Technical Services / Computers & Peripherals

WHEREAS, the Borough of Montvale requires professional computer services and an extended service agreement for the computers and peripherals for the period January 1, 2014 through December 31, 2014; 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.

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

That a contract for professional computer services for an Service Agreement for Computers and Peripherals proposal which is attached and made part of this resolution be awarded to Tri-State Technical Computer Services, Inc., of 442 Lafayette Avenue, Hawthorne, New Jersey 07506 in the amount of \$7,798.00 for the period January 1, 2014 through December 31, 2014, as described in the Service Agreement;

WHEREAS, the Certified Municipal Finance Officer has provided funds to be available subject to the adoption of the year 2014 Municipal Budget; and

BE IT FURTHER RESOLVED that a copy of this resolution be published in The Ridgewood News, be on file, available for public inspection, in the office of the Municipal Clerk, 12 Mercedes Drive, Montvale, NJ 07645.

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

26-2014 Appointment of A Risk Management Consultant In Accordance With The Requirements Set Forth By The Bergen County Municipal Joint Insurance Fund (BCMJIF) For The Borough Commencing January 1, 2014

WHEREAS, the Borough Of Montvale (hereinafter, the Municipality) is a member of the **Bergen County Municipal Joint Insurance Fund (BCMJIF)** and the **Municipal Excess Liability Joint Insurance Fund (MEL)** collectively referred to as, the Funds, for property and casualty coverage's, which include property, general liability, crime, environmental, employee benefits liability, excess liability and workers compensation; and

WHEREAS, the bylaws of said Funds require the Municipality appoint a RISK MANAGEMENT CONSULTANT to perform the various functions and professional services integral to the effective operation of the Municipality's Insurance Program and Loss Control efforts; and

WHEREAS, the Board of Fund Commissioners for the BCMJIF established a fee for such services equal to six percent (6%) of the Municipality's assessment, which expenditure represents reasonable compensation for the services required and is a part of the Municipal Assessment promulgated by the Fund's; and

WHEREAS, the Municipality has conducted a solicitation process to review and evaluate the credentials, services, performance and integrity of several professional firms experienced in these types of services; and

WHEREAS, the judgmental nature of the Risk Management Consultant's duties renders comparative bidding impractical;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council does hereby appoint **Professional Insurance Associates Inc.** as its Risk Management Consultant in accordance with the Fund's bylaws; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute a Risk Management Consultant's Agreement and to cause a notice of this decision to be published in accordance with NJSA 40A:11-5 (1) (a) (i).

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Professional Insurance Associates, 429 Hackensack Street, Carlstadt, New Jersey 07072.

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

27-2014 A Resolution To Appoint A Health Benefits Consultant Relative To The Borough's Membership In The Bergen Municipal Employee Benefits Fund (BMED) Commencing January 1, 2014

WHEREAS, the **BOROUGH OF MONTVALE** (hereinafter, the Municipality) is a member of the **Bergen Municipal Employee Benefits Fund (BMED)** and the **Municipal Reinsurance Health Insurance Fund (MRHIF)** collectively referred to as, the Funds, for the Borough's Employee Health Benefits Program, which includes medical, prescription and dental coverage's; and

WHEREAS, the bylaws of said Funds require the Municipality appoint a **HEALTH BENEFITS CONSULTANT** to perform the various functions and professional services integral to the effective operation of the Municipality's Employee Health Benefits Program; and

WHEREAS, the Board of Fund Commissioners for the BMED established a fee for such services equal to two and one-half percent (2.5%) of the Municipality's assessment, which expenditure represents reasonable compensation for the services required and is a part of the Municipal Assessment promulgated by the Fund's; and

WHEREAS, the Municipality has conducted a solicitation process to review and evaluate the credentials, services, performance and integrity of several professional firms experienced in these types of services; and

WHEREAS, the judgmental nature of the Health Benefits Consulting duties and the fact the service will be performed by personnel authorized by law to practice a recognized profession that is regulated by law, renders comparative bidding impractical;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council does hereby appoint **PIA Security Programs Inc.** as its Health Benefits Consultant in accordance with the Fund's bylaws; and

BE IT FURTHER RESOLVED, that in accordance with past practice, the **HEALTH BENEFITS CONSULTANT** shall receive as compensation, one –percent (1%) of the Municipality's assessment, paid by the Fund, in accordance with the policies and procedures; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute a Health Benefits Consultant's Agreement and to cause a notice of this decision to be published in accordance with NJSA 40A:11-5 (1) (a) (i).

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to PIA Security Programs, Inc., 429 Hackensack Street, Carlstadt, New Jersey 07072.

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

28-2014 Award Professional Service Contract / Website Improvements / Danori, LLC

WHEREAS, the Borough of Montvale has a need to acquire website improvements 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, it is the desire of the Mayor and Borough Council to award a professional service contract to Danori, LLC, 31 West Lincoln Street, Verona, NJ 07044, for improvements to the Borough's website in the amount not to exceed \$7,500; and

WHEREAS, any expenditures exceeding \$7,500 must be approved by Mayor and Council by resolution; and

WHEREAS, the Certified Municipal Finance Officer has certified the availability of funds; and,

WHEREAS, the Local Public Contracts Law (*N.J.S.A. 40A:111 et seq.*) requires that the Resolution authorizing the award of contract for "Professional Services" without competitive bids and the Contract itself must be available for public inspection;

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

1. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with *N.J.S.A. 40A:11-5(1)(a)* of the Local Public Contracts Law because the services are to be performed by a person authorized by law to practice a recognized profession.

2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

3. A Notice of this action shall be printed once in the official newspaper of the Borough.

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

29-2014 Authorizing Execution of Contract with the Bergen County Department of Health Services/Bloodborne Pathogen Compliance Program 2014

WHEREAS, the Mayor and Council of the Borough of Montvale wishes to enter into a contract with the Bergen County Department of Health Services, 327 E. Ridgewood Avenue, Paramus, New Jersey 07652 to provide the mandated health services of a technical and professional nature for the Bloodborne Pathogen Compliance Program; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that the professional service agreement for these services be and hereby are approved.

This resolution shall take effect immediately upon passage.

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

30-2014 Authorize Contract Animal Control Services/Tyco

WHEREAS, the Board of Health of the Borough of Montvale has received a proposal from Tyco Animal Control Service, 1 Stout Lane, Ho-Ho-Kus, NJ.

WHEREAS, said proposal has been reviewed and approved by the Board of Health; and

WHEREAS, the Board of Health recommends this contract with Tyco Animal Control Service based upon prior services provided; and

WHEREAS, it is the intention of the Mayor and Council to provide funds in the year 2014 Budget for this contract, Other Expense Portion of the Animal Control Services Budget; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the contract for Animal Control Services for 2014 be and is hereby awarded to Tyco Animal Control Service, 1 Stout Lane, Ho-Ho-Kus, NJ pursuant to the terms and conditions and rates as outlined in the attached contract effective January 1, 2014, copy of which is attached to this resolution for the base amount of \$9,000.00 annually payable monthly with additional costs charged per the rates as outlined in the attached proposal.

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

31-2014 Amending Resolution No. 63-2013 Setting Forth Recreational Programs Fees Year 2014

WHEREAS, The Recreation Department hereby establishes the programs, times and fees for various programs; and

WHEREAS, the Recreation Committee has recommended that the following fees, programs, and times be revised as described; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the following fees and programs and services be and are hereby established

TIME SCHEDULE FOR SKATING RINK:

8:00 a.m.	Until	10:00 a.m.	Roller/street Hockey
10:00 a.m.	Until	12:00 p.m.	Free Skate
12:00 p.m.	Until	2:00 p.m.	Roller/street Hockey
2:00 p.m.	Until	4:00 p.m.	Free Skate
4:00 p.m.	Until	6:00 p.m.	Roller/street Hockey
6:00 p.m.	Until	Dusk	Free Skate

PROGRAMS:

	RESIDENT	NON-RESIDENT
Adult Fitness related classes	\$80	\$100
Ballroom dance for Sr. & older adults	\$20	\$30
Basketball- Bidy	\$80	----
Basketball - 18+	\$50	\$70
Basketball - 30+	\$75	\$95
Chess-Youth	\$60	----
Crafts	\$60	\$80
Drama for Mama/Improv comedy	\$80	\$100
Running/walking training	\$120	\$180

Summer Camp

2014

\$200/CHILD
 \$650/FAMILY MAXIMUM
Non-resident
 \$250/CHILD
 \$800 FAMILY MAXIMUM

Tabata Boot Camp

\$80

\$100

Tae Kwon-Do

Tae Kwon-Do - Youth

\$120

*\$180

(*space permitting)

Tae Kwon-Do – Adult

\$80

\$100

Tennis Lessons

Tennis Lessons adult/child

\$80 resident/adult/child
 per session (6 weeks)
 \$120 per session for non-residents

Tennis

Resident

(Green Acres/Approval Required)

\$30	Adult
\$10	Student 13-18 yrs.
\$50	Family max.
Free	Seniors 62+

Non-resident	\$60	Adult
	\$20	Student 13-18 yrs.
	\$100	Family max.
	Free	Seniors 62+

PROGRAMS:	RESIDENT	NON-RESIDENT
Volleyball - Adult	\$50	\$70
Volleyball- Girls	\$80	\$100

FIELD USE: 2014

Field Use- Chestnut Ridge complex (Green Acres/Approval Required)	\$150 Resident team \$300 Non-Resident team
Field Use-Memorial and FMS fields	\$150 Resident team \$500 Non-Resident team
	**Add 15% if lights are requested
Resident Corporation	\$150.00
Non-Resident Corporation	\$300.00

A resident team is to be made up of 75% Montvale residents.
 Montvale Athletic League (MAL) is exempt from fees relating to field use.
 Churches are exempt from fees relating to field use.
 All organizational (i.e. club team) play will be considered a non-resident teams.
 ***Guest Fee is \$15.00 per session/class. This fee is for any non-registered individual attending a class.

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

32-2014 Amending Resolution 195-2013 Authorize Award State Contract #B27172 / Panasonic Laptop Computers for Police Vehicles

WHEREAS, the Borough of Montvale Police Department is in need of replacing four laptop computers in their police vehicles; and
WHEREAS, the proposal submitted had an incorrect amount; and
BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale, State of New Jersey, hereby authorizes Borough officials to purchase four Panasonic Laptop computers in the amount of \$24,000.86.

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

33-2014 Tax Court Settlement / Block 1902, Lot 5 / ARV at Montvale Grand LLC / 305 W Grand Ave

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property tax appeal filed by ARV at Montvale Grand, LLC (hereinafter the "Tax Appeal"), under Docket Numbers 005927-2012, and 006726-2013, and;
WHEREAS, the aforesaid Tax Appeal involves a commercial property located at 305 W. Grand Avenue, and is otherwise referred to as Block 1902 Lot 5 on the tax assessment map of the Borough, 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 components are set forth in the Schedule "A" attached hereto and made a part hereof, 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 finalized in accordance with the enclosed Schedule "A", 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.

SCHEDULE "A"

A. The terms of the aforesaid tax appeal settlement shall consist as follows:

- 2012 Appeal: \$4,100,000
- 2013 Appeal: \$3,900,000

B. The total assessment for the 2014 tax year shall not exceed \$3,500,000.

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

34-2014 Award Professional Service Contract/Prosecutor/Alternate Prosecutor/Public Defender/Alternate Public Defender/Pascack Joint Municipal Court

WHEREAS, the Pascack Joint Municipal Court has a need to contract for the services of various professionals to serve as the municipal prosecutor or alternate prosecutor, pursuant to N.J.S.A. 2B:25-1, et seq., and to serve as the municipal public defender or alternate public defender, pursuant to N.J.S.A. 2B:24-1, et seq.; and

WHEREAS, these services are being solicited under the non-fair and open procedures of N.J.S.A. 19:44A-20.4 and -20.5; and

WHEREAS, the Attorney General of the State of New Jersey has advised municipalities that without formal appointment of an alternate municipal prosecutors, the municipality and/or the prosecutor may lose immunity conferred by the New Jersey Municipal Tort Claims Act; and

WHEREAS, there are occasions when the appointed municipal public defender may have a conflict of interest, thus creating a need for an alternate public defender; and

WHEREAS, it is the desire of the Pascack Joint Municipal Court to appoint the following individuals to the positions set forth below:

- Prosecutor: Christopher C. Botta, Esq.
- Alternate Prosecutor: Patricia Speake-Martin, Esq.
- Alternate Prosecutor: Natalia Angeli, Esq.
- Public Defender: Gerald R. Salerno, Esq.
- Alternate Public Defender: Robert Metzdorf, Esq.

WHEREAS, the salary of the Prosecutor shall be \$25,000, and the salary of the Public Defender shall be \$7,000; and

WHEREAS, said salaries shall be included as part of the Operational Costs for the Pascack Joint Municipal Court as per the agreement between the participating municipalities; and

WHEREAS, any compensation to be paid to the Alternate Prosecutor and/or Alternate Public Defender shall be paid by the Prosecutor or Public Defender, as appropriate; and

WHEREAS, the term of these contracts shall commence on January 6, 2014, and shall continue for the remainder of the calendar year 2014; and

WHEREAS, the Certified Municipal Finance Officer has the availability of funds; and,

WHEREAS, all of the aforementioned professionals have completed and submitted a Business Entity Disclosure Certification which certifies that he/she has not made any reportable contributions to a political or candidate committee in the Borough of Montvale in the previous one year, and that the contract will prohibit professionals from making any reportable contributions through the term of their contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and Contracts must be available for public inspection.

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

1. These Contracts are awarded without competitive bidding as "Professional Services" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law, because the services are to be performed by a person authorized by law to practice a recognized profession.

2. The Business Disclosure Entity Certification and the Contracts, including the terms of compensation for each professional, shall be placed on file with this resolution.

3. A Notice of this action shall be printed once in the official newspaper of the Borough.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale confirm these appointments

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

35-2014 Award Professional Service Contract / FireHouse Grant Submittal / Maser Consulting

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide services of applying for FEMA Assistance to Firefighters Program Grant; 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, Inc. 200 Valley Road, Suite 306, Mt. Arlington, NJ 07856 has submitted a proposal which is attached to this resolution; and

WHEREAS, the cost is not to exceed \$3,600.00; and

WHEREAS, the Certified Municipal Finance Officer certifies funds are available said certification is hereto attached to the original of this resolution; and.

BE IT FURTHER RESOLVED a copy of this resolution shall be published in an official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Municipal Clerk, 12 Mercedes Drive, Montvale, NJ 07645.

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

36-2014 Authorizing Hiring / Part Time Employee To A Full Time Employee /Jeff Fette

WHEREAS, the Borough of Montvale is in need of hiring a full-time employee in the Borough of Montvale in the various capacities; and

WHEREAS, On January 10, 2008 Jeffrey Fette became employed in the capacity of a part-time employee and has met the qualifications for these positions and is currently scheduled to have additional job responsibilities to warrant a full time position. Mr. Fette 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 January 13, 2014.

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

BILLS: Municipal Clerk read the Bill Report.

Motion to pay bills by Councilmember Cudequest; seconded by Councilmember Curry - All ayes
Councilmember Ghassali asked about the cell phones from DPW; the administrator explained that the phones have been cancelled.

REPORT OF REVENUE: Municipal Clerk read the Report of Revenue

COMMITTEE REPORTS:

Councilmember LaMonica

Seniors

Holiday party was held at Florentine Gardens; membership continues to increase.

Keeping it Green

This year again there will be a joint effort with Bergen County Clean Communities – Saturday, April 26th

Chamber of Commerce

Voted to change their scholarships to honor Conrad Rotondella; Street Fair is scheduled for June 1st;

Councilmember Curry

Recreation

All winter programs started;

Local Board of Education

Kindergarten registration has begun;

Board of Health

Rabies clinic had low turnout, possibly due to storm day before;

Construction

Year numbers were a little short; starting interviews for a part-time technical assistant;

Councilmember Cudequest

Environment Commission

Presently no new plans have become before the board , therefore, the board has cancelled the January meeting. Next meeting is scheduled for March 17th .

Planning Board

Re-org meeting was held on January 7th; next scheduled meeting is January 21st.

Regional High School Board

A presentation was held on January 6th explaining the new block scheduling; School board held their re-org meeting.

Councilmember Talarico

Police

Monthly report included in original minutes

Tri-Boro

Montvale logged: 48 calls; 645 miles; 43 hours; 42 crew hours

Councilmember Ghassali

Administration

All departmental budgets have been submitted and the first budget meeting is scheduled for January 28th at 6pm

MAYOR

Library

Circulation 11,023; 4,783 patron visits; 18 library cards issued; Dick Voorhees, mayor's designee, suggested that the Chamber reach out to the corporations to let them know the library is available to them.

Fire Dept

17 Fire calls; 2 drills and 1 Chief calls;

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

a. U.S. Soccer Foundation-Safe Places to Play Grant / Submission

Mr. Hipolit explained about the grant and stated that there are three different deadlines; he suggested to wait until after the first deadline is over which is February 1st; he will monitor the grant for now; Councilmember Curry mentioned that the MAL is using the tennis fence for a pitching backstop; Mr. Hipolit stated that the MAL cannot do that;

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

No Report

UNFINISHED BUSINESS:

None

NEW BUSINESS:

a. Request/Park Ridge Pistol Range 2014 Agreement/Capital Upgrades

This was for informational purposes; the Police Chief is looking into other pistol ranges;

b. Review of Montvale Recreation Proposed Instructor Listing

Councilmember Curry mentioned to add Chris Moran as the adult volleyball instructor; a motion to approve the instructor list by Councilmember Ghassali; seconded by Councilmember La Monica – 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.

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

NO PUBLIC COMMENT

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT

Motion to adjourn Public Meeting by Councilmember Cudequest; seconded by Councilmember Talarico - all ayes

Meeting was adjourned at 8:30pm

The next Meeting of the Mayor and Council will be held January 28, 2014 at 7:30 p.m.
Budget Meeting is scheduled for January 28th at 6PM

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk