

**PUBLIC MEETING  
MINUTES**

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:36 PM. 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: Mayor Roger Fyfe; Borough Attorney, Phil Boggia; Borough Engineer, Carl O'Brian; Administrator/Clerk, Maureen Iarossi-Alwan and Deputy Municipal Clerk, Fran Scordo;

**ROLL CALL:**

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

**ORDINANCES:**

**INTRODUCTION OF ORDINANCE NO 2015-1403 AN ORDINANCE VACATING A PAPER STREET KNOWN AS SHORT AVENUE IN THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, AND EXTINGUISHING ALL PUBLIC RIGHTS THEREIN**

A motion to Introduce Ordinance **2015-1403** for first reading was made by Councilmember Koelling; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised in The Ridgewood News; seconded by Councilmember Ghassali - A roll call was taken – all ayes

**MEETING OPEN TO PUBLIC:**

Agenda Items Only  
Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Ghassali - All ayes

**NO PUBLIC COMMENT**

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

**MEETING CLOSED TO PUBLIC:**

Agenda Items Only

**MINUTES:**

**May 26, 2015**

A motion to accept minutes by Councilmember Lane; seconded by Councilmember Ghassali – all ayes except for Councilmember LaMonica abstaining

**RESOLUTIONS:**

**84-2015 Authorize Refunds of Various Recreation Programs**

**BE IT RESOLVED**, the below listed individuals are hereby granted a refund for tennis lessons as they will not be able to participate in the program.

Stacey Pinkwater      \$80.00 (1 participant for Tennis)  
Clarissa Shell         \$80.00 (1 participant for Tennis)

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

**85-2015 Change Order/Professional Service Contract / Legal Services / Borough Attorney / Boggia & Boggia**

**WHEREAS**, the Borough of Montvale awarded a professional service contract on January 13, 2015 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. 21-2015; and

**WHEREAS**, a change order is necessary in the amount of \$75,000.00 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 Lane; seconded by Councilmember Koelling - All ayes

**86-2015 A Resolution of the Borough of Montvale Authorizing the Execution of a Voluntary Financial Contribution Agreement with Memorial Sloan Kettering Cancer Center**

**WHEREAS**, MSKCC Properties, LLC (“MSKCC”) is a New Jersey limited liability company organized for hospital purposes and is a wholly owned subsidiary of Memorial Hospital for Cancer and Allied Diseases, a not-for-profit corporation; and

**WHEREAS**, MSKCC is under contract to purchase property designated on the current official tax map of the Borough of Montvale as Block 2601, Lot 32, also known as 225 Summit Avenue, Montvale, New Jersey (the “Property”); and

**WHEREAS**, MSKCC is exempt from federal, state and local income tax under Section 501(c)(3) of the Internal Revenue Code and Title 54 of the New Jersey Statutes; and

**WHEREAS**, notwithstanding such exemption(s) from taxation, MSKCC recognizes that it will receive local services from the Borough that will be provided at some cost to the Borough’s taxpayers; and

**WHEREAS**, the Borough likewise recognizes the benefits to the municipality that are associated with having MSKCC and its employees located within the community; and

**WHEREAS**, MSKCC and the Borough recognize this unique and ongoing relationship and it is in the spirit of this mutually supportive relationship that the parties desire to memorialize MSKCC’s agreement to provide certain voluntary financial contributions to the Borough; and

**WHEREAS**, MSKCC and the Borough have negotiated a Voluntary Financial Contribution Agreement that sets forth the terms and conditions of the parties’ agreement, a copy of which is attached hereto and made a part hereof; and

**WHEREAS**, said Agreement provides that upon the commencement of MSKCC’s real property tax exemption, which is anticipated to begin on January 1, 2018, MSKCC shall pay to the Borough a minimum annual payment of \$250,000.00, to be increased annually, in recognition of the shared interests of the Borough and MSKCC.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale that the Mayor, Borough Clerk, and all other appropriate officials are hereby authorized and empowered to take all steps necessary to effectuate the purposes of this Resolution, including but not limited to the execution of a Voluntary Financial Contribution Agreement with MSKCC in form substantially similar to that which is attached hereto and subject to approval by the Borough Attorney.

Introduced by: Councilmember Ghassali; seconded by Councilmember Koelling - All ayes with the exception of Councilmember Lane abstaining

**87-2015 A Resolution Authorizing the Borough Attorney to File a Declaratory Judgment in Superior Court to Seek a Judicial Determination that the Borough of Montvale is in Compliance with its Statutory and Constitutional Obligations to Provide a Realistic Opportunity for the Development of Affordable Housing under the Fair Housing Act**

**WHEREAS**, on March 10, 2015, the New Jersey Supreme Court issued its decision in a case captioned In Re Adoption of N.J.A.C. 5:96 and 5:97 by NJ Council on Affordable Housing, holding that due to the failure of the New Jersey Council on Affordable Housing (“COAH”) to adopt Third Round Rules concerning the affordable housing obligations of New Jersey municipalities, the enforcement and administration of the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (“FHA”) would vest in the New Jersey Superior Court; and

**WHEREAS**, the Supreme Court’s March 10 Decision provided that municipalities that had participated in COAH’s Third Round process would be entitled to petition the Superior Court by way of a declaratory judgment action filed no sooner than ninety (90) days after the date of the Decision; and

**WHEREAS**, the purpose of the declaratory judgment action is to seek a judicial determination that the municipality presents a realistic opportunity for the provision of its fair share of present and prospective need for low and moderate income housing, which determination would provide the municipality with certain protections under the FHA; and

**WHEREAS**, in 2008, the Borough of Montvale petitioned COAH for substantive certification of the Borough’s Third Round Housing Element and Fair Share Plan, making the Borough a “participating” municipality entitled under the Supreme Court’s March 10 Decision to file a declaratory judgment action in Superior Court; and

**WHEREAS**, the Borough Planner has prepared a Housing Element and Fair Share Plan (“HEFSP”) for the Borough of Montvale utilizing the limited guidance provided by the New Jersey Supreme Court as to the methodology to be employed by the Borough of Montvale in determining and satisfying its affordable housing obligations; and

**WHEREAS**, the Planning Board has adopted and the Borough Council has endorsed this HEFSP and the accompanying Spending Plan; and

**WHEREAS**, the Mayor and Council have determined that it is in the best interests of the Borough of Montvale to file a declaratory judgment action in the New Jersey Superior Court, Bergen County, seeking a judicial determination that the Borough has complied with its obligations under the Fair Housing Act.

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

1. The Borough Attorney is hereby authorized and empowered to file a declaratory judgment action in Superior Court as contemplated by the New Jersey Supreme Court’s March 10, 2015 Decision.
2. The Borough Planner and Planning Board Attorney are hereby authorized and empowered to render such services as are deemed necessary to support the Borough’s declaratory judgment action.
3. All appropriate Borough officials and employees are authorized and empowered to take all steps necessary to effectuate the purposes of this Resolution.

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

**BILLS:** Municipal Clerk read the Bill Report.

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

**REPORT OF REVENUE:** Municipal Clerk read the Report of Revenue for the months of April and May

**COMMITTEE REPORTS:**

**Councilmember Ghassali**

Planning Board

Several applications were approved

Regional School

Graduation is set for June 18

**Councilmember LaMonica**

Stigma Free

In need of a large amount of volunteers; big endeavor; requires support from all the municipal departments like Police, Fire, Council, businesses, the schools

Keeping it Green

Thanked all participants for Montvale Clean – up day – received \$18,000 from Clean Communities Grant

Chamber of Commerce

Street Fair was a huge success

**Councilmember Koelling**

Swim Club

Waiting on proposals for new pumps.

**Councilmember Lane**

Fire Dept

25 calls; 2 drills; 2 funerals of long term leadership; new fire truck has been ordered; held mother's day pancake breakfast; continuing moving forward with the construction plans;

**MAYOR**

Library

Circulation 10,709; 5,373 patron visits; 14 library cards issued; scanning and fax services are now being offered at the library; Adult summer reading program registration is going on now through June 25;

First Commerce Bank on Chestnut Ridge Road donated \$500 to the Friends of the Library

Mayor Fyfe spoke on behalf of Commissioner Talarico regarding the permanent disability of a current Police Officer. As a result, the police department is now short one police officer. Chief Abrams is asking for permission to make an offer to a candidate that was not chosen in the last round of hires, subject to passing certain exams; a motion to grant permission by Councilmember Lane; seconded by Councilmember Ghassali – all ayes

**ENGINEER'S REPORT:**

Carl O'Brien

Report/Update

a. Road Improvement Bid Update

Engineer recommends awarding a contract to DLS Contracting Inc. in the amount of \$876,936.50 subject to review by the borough attorney; a motion to award by Councilmember Lane; seconded by Councilmember LaMonica – all ayes

**ATTORNEY REPORT:**

Phil Boggia, Esq.

Report/Update

None

**UNFINISHED BUSINESS:**

- a. Update Senior Van Purchase

Park Ridge is the lead agency. A contract has been awarded. It should take 7-8 weeks for delivery of the van

- b. Montvale Recreation 2015 / Proposed Salaries Summer Camp

A motion to approve the Director of Recreation recommendations of salaries and counsellors by Councilmember Lane; seconded by Councilmember Koelling - a roll call vote was taken – all ayes with Councilmember Ghassali voting No.

- c. DPW Monthly Report

Councilmember Ghassali asked for a monthly report of the DPW

**NEW BUSINESS:**

- a. Supporting The Transparent Tax Act Of 2015 / Assembly Bill No. A-4235 / Draft Resolution

**88-2015 SUPPORTING THE TRANSPARENT TAX ACT OF 2015**

**WHEREAS**, Assembly Bill No. A-4235 supplementing chapter 4 of Title 54, R.S.54:4-65 and designated the "Transparent Tax Act of 2015" is being considered for adoption by the New Jersey State Assembly; and

**WHEREAS**, the amendment would permit the local jurisdiction to print separate tax bills to each taxpayer, one showing the amount of property taxes due and payable for municipal tax purposes, the other shall state the amount of property taxes due and payable for county purposes, school purposes, fire district purposes, and for the purposes of any other special district on behalf of which the municipality collects property taxes; and

**WHEREAS**, both bills shall include a brief tabulation showing the distribution of the total amount to be raised by taxes; and

**WHEREAS**, A-4235 would require the municipal tax collector to send notice of the pro rata share, if any, of the property tax appeal refunds paid by the municipality during the tax year to the county, school districts, and fire districts for inclusion in their annual budgets; and

**WHEREAS**, in the following tax year in which the refunds were paid, the municipal tax collector is then required to deduct the applicable pro rata share of the property tax refund from the amounts to be paid to the county, and each school and fire district; and

**WHEREAS**, these amendments, if adopted, will assist the general public to understand the tax bill, the structure of the taxes, and the level of support for each agency, and will further provide a more equitable structure to share the obligation of paying approved tax appeals as the title states, creates transparency in the tax supporting local assessments.

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Montvale in the County of Bergen, in the State of New Jersey, hereby supports Assembly Bill A-4235 amending Title 54:4-65 and urges the Legislature to approve and pass the bill for the reasons expressed herein; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to the Majority Leader of the NJ State Assembly, the President of the NJ Senate, and the Governor of the State of NJ, the New Jersey State League of Municipalities, and Bergen County municipalities.

I, Maureen Iarossi-Alwan, Borough Clerk of the Borough of Montvale, Bergen County, New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Governing Body at a duly authorized meeting held on June 9, 2015.

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

- b. Appointment Vicki Slockbower as Class C, 1<sup>st</sup> Alternate for Historic Preservation Commission

A motion to appoint by Councilmember Lane; seconded by Councilmember Koelling – all ayes

c. Authorize Hiring FT Replacement Floater / Carol Manhart

A motion to authorize by Councilmember Ghassali; seconded by Councilmember LaMonica – all ayes  
Ms. Manhart will start July 1<sup>st</sup>

**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 Ghassali; seconded by Councilmember Lane  
- all ayes

Kathleen Ratigan

Asked for clarification regarding the ordinance of Vacating Short Ave; Ms. Ratigan will be noticed and to come back July 14<sup>th</sup> when it's the public hearing of the ordinance

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Koelling  
- all ayes

**MEETING CLOSED TO THE PUBLIC:**

**ADJOURNMENT**

Motion to adjourn Public Meeting by Councilmember Lane; seconded by Councilmember Ghassali  
- all ayes

Meeting was adjourned at 8:26pm

The next Meeting of the Mayor and Council will be held June 30, 2015 at 7:30 p.m.

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