

AGENDA
WORK SESSION MEETING
BOROUGH OF MONTVALE
Mayor and Council Meeting
November 26, 2013
Meeting to Commence 7:30 PM
Closed Executive Session 6:00 PM

CLOSED/EXECUTIVE SESSION:

Motion to move into Executive Session as provided for by Resolution No. 15-2013 adopted on January 2, 2013 and posted on the bulletin board in the Municipal Building:

The Mayor and Council will go into a Closed /Executive Session for the following:

Litigation/Attorney Client Privilege

- a. Montvale Public Employees Association vs. Borough of Montvale
- b. Montvale PBA/Unfair Labor Practice/PERC/Prescription/Insurance

ROLL CALL:

Councilmember Cudequest
Councilmember Curry
Councilmember Ghassali

Councilmember LaMonica
Councilmember Lane
Councilmember Talarico

ORDINANCES:

INTRODUCTION ORDINANCE NO. 2013-1381 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING ORDINANCE 2013-1378 OF THE BOROUGH CODE AND DISSOLVING THE MONTVALE DEPARTMENT OF PUBLIC WORKS

(public hearing 12/10/2013)

MINUTES:

November 12, 2013

RESOLUTIONS:

- 187-2013 Change Order Professional Service Contract/Legal Services/Borough Attorney/
Boggia & Boggia
- 188-2013 Authorizing Hiring / Full Time Floater /Deputy Registrar Vital Statistics/Archive Records/
Narita Maraj
- 189-2013 A Resolution Re-Authorizing, Re-Awarding and Re-Affirming a Professional Services
Consulting Contract for DPW Shared Services Feasibility Study with LKM Consulting, LLC
- 190-2013 Confirm Endorsement/Community Development/Senior Citizen Activities Grant 2014-2015
- 191-2013 A Resolution Re-Authorizing, Re-Awarding and Re-Affirming Resolution No. 145-
2013 and the Shared Services Agreement with the Township of River Vale
Concerning the Creation of a New Pascack Valley Department of Public Works with
River Vale as the Lead Agency

BILLS:

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

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

ATTORNEY REPORT:

Philip Boggia, Esq.
Report/Update

UNFINISHED BUSINESS:

- a. Montvale Police Department/Promotional Procedure/Captain/Lieutenant/Sergeant

NEW BUSINESS:

None.

8:30 Presentation: R. Hanrahan: Proposed Montvale Tree Ordinance/Draft Ordinance

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 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.

MEETING CLOSED TO THE PUBLIC:

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

*******Disclaimer*******

Subject To Additions And/Or Deletions

**BOROUGH OF MONTVALE
ORDINANCE NO. 2013-1381**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 26th day of November, 2013 and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 10th day of December, 2013 at 7:30 pm or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Maureen Iarossi-Alwan, Municipal Clerk
Borough of Montvale

**BOROUGH OF MONTVALE
ORDINANCE NO. 2013-1381**

**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**

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) provides that local units of government may enter into a contract for the joint provision of any service which either party to said agreement is empowered to render or perform within its own jurisdiction; and

WHEREAS, the Borough of Montvale is permitted by N.J.S.A. 40:48-1 "to provide for the employment and compensation of such officials and employees, in addition to those provided for by statute, as may be deemed necessary for the efficient conduct of the affairs of the municipality."; and

WHEREAS, under the provisions of the *Uniform Shared Services and Consolidation Act*, and specifically N.J.S.A. 40A:65-4, the Borough is further authorized and empowered to "enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction."; and

WHEREAS, it has long been the law of this State that "a municipality may in appropriate circumstances abolish positions of public employment when no longer needed, when government is being reorganized, or when economies or greater efficiency in service are to be effected" and further that such actions "are deemed to further the public interest"; and

WHEREAS, the Mayor and Council of the Borough of Montvale are constantly exploring options available to the Borough to obtain cost savings for Borough residents in the performance of various services, while still maintaining quality of performance and a high level of professionalism; and

WHEREAS, the Mayor and Council have determined it to be advisable to dissolve the Montvale Department of Public Works and to provide said services to Montvale residents by other lawful means.

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

Section 1. Chapter 30 of the Montvale Borough Code is hereby repealed and deleted in its entirety.

Section 2. Effect of invalidation. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 3. Repeal of inconsistent ordinances. All ordinances or parts of ordinances of the Borough of Montvale which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Effective date. This ordinance shall take effect immediately upon passage and publication as required by law.

ROGER FYFE, Mayor

ATTEST:

MAUREEN IAROSSO-ALWAN, RMC, CMC
Borough Clerk

INTRODUCED:
ADOPTED:
APPROVED:

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:46PM. 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 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, Esq.; Administrator/Municipal Clerk, Maureen Larossi-Alwan; and Deputy Municipal Clerk, Fran Scordo

ROLL CALL:

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

ORDINANCES

None

MEETING OPEN TO PUBLIC:

Agenda Items Only

A motion to open the meeting on agenda items only by Councilmember Lane; seconded by Councilmember Cudequest - all ayes

NO PUBLIC COMMENT

A motion to close the meeting on agenda items only by Councilmember Cudequest; seconded by Councilmember Talarico - all ayes

MEETING CLOSED TO PUBLIC

Agenda Items Only

MINUTES:

October 29, 2013

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

RESOLUTIONS:

183-2013 Amending Resolution 180-2013 Redemption of Tax Sale Certificate #09-30000 / 18 E Grand Ave

WHEREAS, a redemption has been made on Certificate #09-30000, Block 2410, Lot 11 also known as 18 E Grand Ave; and

WHEREAS, the lien holder, Stonefield Investment Fund 1, LLC is due an additional foreclosure fee in the amount of \$1,257.00;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, that the Tax Collector be and is hereby authorized to send payment of \$1,257.00 to Stonefield Investment Fund 1, LLC, 21 Robert Pitt Drive #202, Monsey, NY 10952, ATTN: Ashley Anisfeld

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

184-2013 Authorize Refund / Recreation 30+ Basketball / Herman Celikel

BE IT RESOLVED, due to an injury, Mr. Celikel, cannot continue to participate in the basketball program and is requesting a refund in the amount of \$75.00; and **BE IT FURTHER RESOLVED**, that the Treasurer shall receive a copy of this resolution for processing.

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

185-2013 TRANSFER OF APPROPRIATIONS

WHEREAS, certain transfer of funds for various 2013 budget appropriations are necessary to cover anticipated expenditures; and

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers from appropriations with an excess over and above the amount deemed to be necessary to fulfill the purpose for such appropriations, to those appropriations deemed to be insufficient;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the transfers be made between the 2013 budget appropriations as follows:

	<u>FROM</u>	<u>TO</u>
<u>CURRENT FUND</u>		
General Appropriations		
Operations – Within “CAPS”		
Salary Adjustment Account		\$100.00
Mayor and Council:		
Salaries and Wages		\$100.00
Salary Adjustment Account		500.00
Borough Clerk:		
Salaries and Wages		500.00
Planning Board:		
Other Expenses	8,000.00	
Financial Administration:		
Other Expenses		8,000.00
Planning Board:		
Other Expenses	10,000.00	
Legal Services and Costs:		
Other Expenses		10,000.00
Police:		
Salaries and Wages	40,000.00	
Police:		
Other Expenses		40,000.00
Public Buildings and Grounds:		
Other Expenses	20,000.00	
Road Repair and Maintenance:		
Other Expenses		20,000.00

BOROUGH OF MONTVALE

NOVEMBER 12, 2013

Maintenance of all Vehicles:		
Other Expenses	10,000.00	
Road Repair and Maintenance:		
Other Expenses		10,000.00
Planning Board:		
Other Expenses	20,000.00	
Road Repair and Maintenance:		
Other Expenses		20,000.00
Planning Board:		
Other Expenses	2,500.00	
Sewer System:		
Other Expenses		2,500.00
Salary Adjustment Account	500.00	
Plumbing Subcode Official:		
Salaries and Wages		500.00
Salary Adjustment Account	500.00	
Fire Subcode Official:		
Salaries and Wages		500.00
	<u>\$112,100.00</u>	<u>\$112,100.00</u>
	=====	=====

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

186-2013 Amending Resolution #142-2013 Waiving Redemption of Tax Credit Overpayments For Owners Who Purchased Property Subsequent to the Overpayment

WHEREAS, the following parcel should have been included as an exempt property in Resolution #142-2013; and

WHEREAS, the current homeowner paid the amount due of \$999.80; and

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be and is hereby authorized to refund Lovell Pinto, 134E N Kinderkamack Rd, in the amount of \$999.80

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

BILLS: Municipal Clerk read the Bill Report.

Motion to pay bills by Councilmember Lane; seconded by Councilmember Talarico - All ayes
Councilmember Cudequest abstained on bill # 00502

REPORT OF REVENUE: Municipal Clerk read the Report of Revenue

COMMITTEE REPORTS:
Councilmember Ghassali

Administration

All departments have been given their budgets to work on;

Planning Board

Next special meeting for DePiero will be November 25th

Councilmember Curry

Local BOE

New assistant principal is Victoria Hickey;

Recreation

Tree Lighting is scheduled for December 6th; Fall programs have begun;

Board of Health

First Thursday and Fourth Monday will be blood pressure screenings at the senior community center;

Construction

Ahead from this time last year; total permits increased from last year;

Councilmember Talarico

Police

Monthly report included in original minutes

Tri-Boro

45 calls; 704 miles; 53 hours; 166 crew hours all by Montvale

Local Assistance Board

Dry goods are helpful but most helpful are gift cards because of the monetary value and can be used on a broader scale.

Councilmember Talarico thanked everyone for being re-elected;

Councilmember Lane

Fire Dept

35 calls it was a busy month of October; moving forward with the status of the firehouse;

Finance

Looking forward to the 2014 budget process, he would like to keep everyone informed of how the State would like all municipalities to proceed financially to better understand the budget process.

Councilmember Lane also thanked everyone for being re-elected

Mayor Fyfe

Library

12,857 circulation; 7,260 patron visits; 21 new cards issued; thanked everyone for another successful book sale;

Councilmember Ghassali is asking for any residents interested in helping with the budget process in the upcoming months;

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

- a. Working with borough planner to move forward for School #2

UNFINISHED BUSINESS:

- a. Borough Planner / Proposed Process for School #2

NEW BUSINESS:

a. Mayoral Appointments

Mayor Fyfe appointed Councilmember Ghassali as Deputy Police Commissioner; Councilmember Cudequest is back as the liaison to the Planning Board;

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 Lane; seconded by Councilmember Cudequest
- All ayes

Carolyn Salata Duck, 76 Magnolia Ave

Submitted a petition of residents regarding speeding on Magnolia Ave;
After a brief discussion, it was decided to notify the police department to monitor the speed;

A couple of residents near the Valley View pump station mentioned to the council to consider at budget discussions to repair the pump station;

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

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT The next Meeting of the Mayor and Council will be held November 26, 2013 at 7:30 p.m.

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

Meeting was adjourned at 8:40pm

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk



**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 187-2013**

RE: Change Order/Professional Service Contract / Legal Services / Borough Attorney / Boggia & Boggia

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

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

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

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

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

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Cudequest						
Curry						
Ghassali						
LaMonica						
Lane						
Talarico						

Adopted: November 26, 2013

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Roger J. Fyfe
Mayor



**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 188-2013**

**RE: Authorizing Hiring / Full Time Floater /Deputy Registrar Vital Statistics
Archive/Records/N. Maraj**

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

WHEREAS, On August 28, 2012 Narita Maraj became employed in the capacity of a part-time employee in the Floater/Archive/Records positions and has met the qualifications for these positions and is currently scheduled to become the Deputy Registrar of Vital Statistics agrees to the terms and conditions of full time employment, and has previously completed a satisfactory background investigation; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey the above named individual is hereby appointed as a full-time employee, effective December 2, 2013.

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Cudequest						
Curry						
Ghassali						
LaMonica						
Lane						
Talarico						

Adopted: November 26, 2013

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Roger J. Fyfe
Mayor



**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 189-2013**

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

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

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

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

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

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

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

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

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

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

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Montvale that the above-referenced contract is hereby ratified as follows:

<u>Contractor</u> LKM Consulting, LLC 11 Harter Road Morristown, NJ 07960	<u>Amount</u> \$15,700.00 (not to exceed)
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Be It Further Resolved that the Mayor and Borough Clerk are hereby authorized and empowered to reaffirm and ratify the contract with LKM Consulting, LLC consistent with this Resolution, subject to approval by the Borough Attorney.

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

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Cudequest						
Curry						
Ghassali						
LaMonica						
Lane						
Talarico						

Adopted: November 26, 2013

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Roger J. Fyfe
Mayor



**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 190-2013**

RE: Confirm Endorsement of Community Development Project/Senior Activities Grant

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

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

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

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

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

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

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Cudequest						
Curry						
Ghassali						
LaMonica						
Lane						
Talarico						

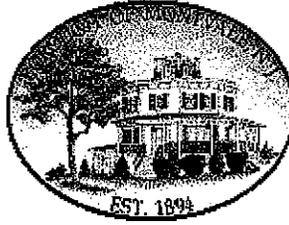
Adopted: November 26, 2013

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Roger J. Fyfe
Mayor



**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 191-2013**

A Resolution Re-Authorizing, Re-Awarding and Re-Affirming Resolution No. 145-2013 and the Shared Services Agreement with the Township of River Vale Concerning the Creation of a New Pascack Valley Department of Public Works with River Vale as the Lead Agency

WHEREAS, the Uniform Shared Services and Consolidation Act (*N.J.S.A. 40A:65-1 et seq.*) provides that local units of government may enter into a contract for the joint provision of any service which either party to said agreement is empowered to render or perform within its own jurisdiction; and

WHEREAS, the Mayor and Council of the Borough of Montvale are constantly exploring options available to the Borough to obtain cost savings for Borough residents in the performance of various services, while still maintaining quality of performance and a high level of professionalism; and

WHEREAS, in furtherance of this mission, the Mayor and Council did obtain a Feasibility Study conducted by LKM Consulting concerning the potential for shared services between the Borough of Montvale and the Township of River Vale regarding the services performed by the Department of Public Works; and

WHEREAS, the Borough believed in March 2013 and believes now that the award of the contract to LKM Consulting to perform this study was in the best interests of the Borough of Montvale and was procedurally proper in all respects; and

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

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

WHEREAS, the results of the Feasibility Study conducted by LKM Consulting concluded that the Borough of Montvale can expect to save approximately \$400,000.00 annually and maintain a high level of service and responsiveness to Montvale residents by entering into a Shared Services Agreement with the Township of River Vale and creating a partnership for the unified performance of public works services; and

WHEREAS, pursuant to this Shared Services Agreement, River Vale as Lead Agency will increase the size of its current department of public works and reorganize itself as the Pascack Valley Department of Public Works (DPW) serving the Township of Rivervale and the Borough of Montvale; and

WHEREAS, the Pascack Valley DPW will operate within one service territory comprised of the combined jurisdictions of the municipalities of Montvale and River Vale; and

WHEREAS, the Pascack Valley DPW will perform all public works services currently performed by the Montvale Department of Public Works and the River Vale Department of Public Works with the exception of curbside garbage pick-up, while the Borough of Montvale will contribute financially towards the operation of said department including contributions toward capital expenses therefore; and

WHEREAS, the Feasibility Study also concluded that the Borough of Montvale would be expected to incur significant expense for capital costs related to existing DPW equipment over the next five years, absent this Shared Services Agreement with River Vale or a similar agreement with another municipality; and

WHEREAS, the Feasibility Study recommended that Montvale enter into the contemplated Shared Services Agreement with the Township of River Vale for the benefit of Montvale residents and taxpayers; and

WHEREAS, Montvale and River Vale have negotiated a Shared Services Agreement upon terms and conditions that are substantially consistent with the recommendations of the Feasibility Study and as described in this Resolution, for an initial period of 10 years; and

WHEREAS, *N.J.S.A. 40A:65-1 et seq.* requires that the Shared Services Agreement be approved by resolution of the governing body of each participating municipality; and

WHEREAS, the Borough of Montvale did execute Resolution No. 145-2013 and thereafter entered into a Shared Services Agreement concerning the creation of a new Pascack Valley Department of Public Works for all public works-related services excepting curbside garbage pick-up in the Borough of Montvale, with River Vale as the lead agency; and

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

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

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

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

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

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

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

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Cudequest						
Curry						
Ghassali						
LaMonica						
Lane						
Talarico						

Adopted: November 26, 2013

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Roger J. Fyfe
Mayor

RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, N.J., that the following bills, having been referred to the Borough Council and found correct, be and the same hereby be paid:

<u>FUND</u>	<u>AMOUNT</u>	<u>NOTES</u>
Current	\$158,343.18	Bill List Wire11/26/13
	<u>250,328.24</u>	Wires/Manual Checks
Current TOTAL	408,671.42	
Capital Fund	2,642.50	Bill List Wire11/26/13
Escrow - Trust	3,685.84	Bill List Wire11/26/13
Open Space Fund	2,550.00	Bill List Wire11/26/13
Engineering Trust	1,517.50	Bill List Wire11/26/13
Dog Trust	2.40	Bill List Wire11/26/13
Housing Trust	300.00	Bill List Wire11/26/13
Bond Trust	2,000.00	Bill List Wire11/26/13

This resolution was adopted by the Mayor and Council of Montvale at a meeting held on 11/26/13

Introduced by: _____

Approved: 11/26/13

Seconded by: _____

Roger Fyfe, Mayor

ATTEST:

Maureen Iarossi-Alwan, Municipal Clerk

MANUAL/VOID CHECKS - WIRES
November 26, 2013

<u>Check #</u>	<u>PO #</u>	<u>Date</u>	<u>Transaction/Vendor</u>	<u>Amount</u>
WIRE		11/12/13	Payroll Account	163,394.92
WIRE		11/12/13	Salary Account	86,639.99
WIRE		11/12/13	FSA Account	<u>293.33</u>
	Total			<u>250,328.24</u>

Vendor # Name	PO # PO Date Description	Item Description	Contract PO Type	Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	First Rcvd Date	Chk/Void Date	Invoice	1099	Excl
00178 FAIR GAME GOOSE CONTROL INC.	13-01535 10/28/13 GOOSE CONTROL BD OF EDUCATION	1 GOOSE CONTROL BD OF EDUCATION	3-01-27-785-092	550.00		B GEESE CONTROL	R	10/28/13	11/20/13		21 BD OF ED	N	N
	Vendor Total:			550.00									
00250 FIRE AND SAFETY SERVICES LTD	13-01299 09/09/13 AUTO STEP CONTROLLER FOR M-5	1 AUTO STEP CONTROLLER FOR M-5	3-01-26-767-099	146.17		B VEHICLE MAINT/PARTS - FIRE	R	09/09/13	11/20/13		1013-06506	N	N
	Vendor Total:			146.17									
00254 LTF REAL ESTATE COMPANY, INC.	13-01610 11/13/13 REFUND OF ROAD OPENING BOND	1 REFUND OF ROAD OPENING BOND	T-03-56-286-023	2,000.00		B TRUST - RESERVE FOR BONDS	R	11/13/13	11/20/13		REFUND	N	N
	Vendor Total:			2,000.00									
00258 ROCKLAND ELECTRIC	13-01621 11/18/13 ROCKLAND ELECTRIC CHARGES												
	1 2310843006 ALAYNA ASSOC.		41.83	3-01-38-854-029		B OTHER CONTRACTUAL ITEMS	R	11/18/13	11/20/13		OCTOBER	N	N
	2 8822932014 12 MERCEDES DR		7,565.31	3-01-31-825-078		B ELECTRICITY - 12 MERCEDES	R	11/18/13	11/20/13		OCTOBER	N	N
	3 9555848004 BORO STREET LITES		5,928.35	3-01-31-826-075		B STREET LIGHTING	R	11/18/13	11/20/13		OCTOBER	N	N
	4 4725845003 SUMMIT OTHR UNMTR 1		10.54	3-01-31-825-071		B ELECTRICITY	R	11/18/13	11/20/13		OCTOBER	N	N
	5 0157026009 1 MEMORIAL LT FLD		15.95	3-01-31-825-071		B ELECTRICITY	R	11/18/13	11/20/13		OCTOBER	N	N
	6 0128933004 KINDERKAWCK RD		244.56	3-01-31-825-071		B ELECTRICITY	R	11/18/13	11/20/13		OCTOBER	N	N
	7 0653933003 GRAND OTHR MTLBX		77.17	3-01-31-825-071		B ELECTRICITY	R	11/18/13	11/20/13		OCTOBER	N	N
	8 0590933001 35 W GRAND AVE		528.87	3-01-31-825-071		B ELECTRICITY	R	11/18/13	11/20/13		OCTOBER	N	N
	9 1908079006 MEMORIAL GATE TRFC		10.07	3-01-31-825-071		B ELECTRICITY	R	11/18/13	11/20/13		OCTOBER	N	N
	10 9704932006 W GRAND OTHR MTLBX		41.13	3-01-31-825-071		B ELECTRICITY	R	11/18/13	11/20/13		OCTOBER	N	N
	11 0357844001 SUMMIT OTHR UNMTR		95.24	3-01-31-825-071		B ELECTRICITY	R	11/18/13	11/20/13		OCTOBER	N	N
	12 9263932000 GRAND TFLT 2		38.10	3-01-31-825-071		B ELECTRICITY	R	11/18/13	11/20/13		OCTOBER	N	N
	13 0611933003 MEMORIAL DPW		580.94	3-01-31-825-071		B ELECTRICITY	R	11/18/13	11/20/13		OCTOBER	N	N
	14 9683932013 GRAND TFLT 57400		39.61	3-01-31-825-071		B ELECTRICITY	R	11/18/13	11/20/13		OCTOBER	N	N
	15 5103845008 CHESTNUT OTHR UNMTR		141.82	3-01-31-825-071		B ELECTRICITY	R	11/18/13	11/20/13		OCTOBER	N	N
	16 8906935008 E GRAND OTHR UNMTR		21.72	3-01-31-825-071		B ELECTRICITY	R	11/18/13	11/20/13		OCTOBER	N	N
	17 0632933003 W GRAND OTHR UNMTR		10.54	3-01-31-825-071		B ELECTRICITY	R	11/18/13	11/20/13		OCTOBER	N	N
	18 9515932009 GRAND AVE OTHR UNMT		128.07	3-01-31-825-071		B ELECTRICITY	R	11/18/13	11/20/13		OCTOBER	N	N

Vendor # Name	PO # PO date Description	Item Description	Amount	Contract PO Type	Charge Account	Acct Type Description	Stat/Chk	Enc Date	First Rcvd Date	Chk/Void Date	Invoice	1099
												Excl
00699 ATLANTIC TOMORROWS OFFICE	13-01526 10/24/13 PD COPIER MAINTENANCE	1 PD COPIER MAINTENANCE	252.00	3-01-25-745-108	B MAINTENANCE/RENTAL AGREEMENTS	R	10/24/13	11/20/13		CNIN346089		N
	Vendor Total:		252.00									
00705 APPROVED SURGICAL SUPPLIES INC	13-01421 10/02/13 PD OXYGEN MAINT & REFILLS	1 PD OXYGEN MAINT & REFILLS	81.00	3-01-25-745-102	B OXYGEN TANK/FIRE EXT - M & R	R	10/02/13	11/20/13		33035+33050+		N
	Vendor Total:		81.00									
00730 BOGGIA & BOGGIA, ESQS.	13-00248 02/06/13 LEGAL RETAINER 2013	8 RETAINER 4TH QUARTER 2013	10,000.00	3-01-20-712-027	B LEGAL SERVICES - CONTRACTUAL	R	04/10/13	11/20/13		4TH QTR		N
13-00249 02/06/13 LEGAL FEES 2013	300 LEGAL SERVICES THRU 09/30/2013		904.27	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	02/06/13	11/20/13		20728		N
	301 BPU PETITION UNITED WATER NJ		1,176.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20729		N
	302 DPW AGREEMENT		98.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20730		N
	303 MONTVALE DPW		3,682.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20731		N
	304 GENERAL BID MATTERS		112.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20735		N
	305 SHARED SERVICES AGREEMENT DPW		621.10	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20737		N
	306 VALLEY VIEW CONDO ASSOC.		378.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20739		N
	307 BERGEN COUNTY TAX APPEALS 2013		1,722.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20740		N
	308 BENJAMIN MOOR TAX APPEAL		28.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20741		N
	309 SEVEN MERCEDES DR TAX APPEAL		14.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20742		N
	310 STAVROS KANTOS TAX APPEAL		84.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20743		N
	311 TCAM TAX APPEAL		294.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20744		N
	312 REALTY ASSOC. IOWA TAX APPEAL		466.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20745		N
	313 MONTVALE PLAZA ASSOC. TX APPEAL		492.72	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20746		N
	314 RECKITT BENCKISER TAX APPEAL		42.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20747		N
	315 CVS PHARMACIES TAX APPEAL		42.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20748		N
	316 WAYNE HOFFMAN TAX APPEAL		14.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20749		N
	317 K HOVNAN. @ RIDG. LLC TX APPEAL		112.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20750		N
	318 WESTERN UNION TAX APPEAL		336.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20751		N
	319 20 CRAIG ROAD TAX APPEAL		424.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20752		N
	320 DS MONTVALE LLC 2012 TAX APPEA		42.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13		20753		N

Vendor # Name	PO # PO Date Description	Item Description	Amount	Contract PO Type Charge Account	Acct Type Description	Stat/chk	First Rcvd Enc Date Date	chk/void Date	Invoice	1099 Excl
00730 BOGGIA & BOGGIA, ESQS.	13-00249 02/06/13 LEGAL FEES 2013			Continued						
	321 14 PHILIPS PARKWAY TAX APPEAL		42.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13	20754	N
	322 PETER OLZERVOWICZ TAX APPEAL		28.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13	20755	N
	323 MADHU HARDASWALANI TAX APPEAL		98.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13	20756	N
	324 JEAN PARK TAX APPEAL		98.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13	20757	N
	325 EDWARD SNEATH TAX APPEAL		308.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13	20758	N
	326 YAN FAN TAX APPEAL		14.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13	20759	N
	327 JUSTIN LILLI TAX APPEAL		168.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13	20760	N
	328 BRIAN MURPHY TAX APPEAL		168.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13	20761	N
	329 JOSEPH CINELLI TAX APPEAL		14.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13	20762	N
	330 SUMMIT PLAZA INC. TAX APPEAL		56.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13	20763	N
	331 H.E. NORTHGATE TAX APPEAL		56.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13	20764	N
	332 JEFER COMPANY TAX APPEAL		42.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13	20765	N
	333 KOSKINEN TAX APPEAL		42.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13	20766	N
	334 BANK OF AMERICA TAX APPEAL		42.00	3-01-20-712-028	B OTHER PROF/CONSULTANT SERVICES	R	10/28/13	11/20/13	20767	N
			12,260.09							
	Vendor Total:		22,260.09							
00731 MASER CONSULTING P.A.	12-01491 10/09/12 DESIGN & INSP.SVS FIELDST.SCHO			B						
	13 FIELD STONE SCHOOL 1201/47		2,470.00	T-14-56-286-001	B RESERVE FOR OPEN SPACE TRUST	R	10/09/12	11/20/13	217808	N
13-00083 01/10/13 ENGINEER RETAINER - 2013				B						
	9 PROFESSIONAL SVS.THRU 10/13/13		900.00	3-01-20-715-028	B OTHER PROF/CONSULTANT SERVICES	R	04/10/13	11/20/13	217802	N
13-00428 03/11/13 DESIGN & VIDDING SVS MEMO/LATR				B						
	7 MEMORIAL & LATRENTA TENNIS CT		80.00	T-14-56-286-001	B RESERVE FOR OPEN SPACE TRUST	R	03/11/13	11/20/13	218396	N
13-01476 10/11/13 DESIGN SVS BERGEN CTY CURB RMP				B						
	2 BERGEN COUNTY RAMP PROGRAM		11,372.50	3-01-20-715-029	B OTHER CONTRACTUAL ITEMS	R	10/11/13	11/20/13	217812	N
13-01477 10/11/13 CONSTR.INSPECTION SVS MAGNOLIA				B						
	2 MAGNOLIA AVENUE IMPROVEMENTS		14,477.50	3-01-20-715-029	B OTHER CONTRACTUAL ITEMS	R	10/11/13	11/20/13	REV218940	N
13-01478 10/11/13 PROF.ENGINEERING SVS CHESTNUT				B						
	2 CHESTNUT RIDGE RD IMPROVEMENTS		2,642.50	C-04-55-370-A00	B ENGINEERING - COUNTY ROAD IMPROVEMENT	R	10/11/13	11/20/13	217811	N

Vendor # Name	PO # PO Date Description	Item Description	Amount	Contract PO Type Charge Account	Acct Type Description	Stat/Chk Enc Date	First Rcvd Date	Chk/Void Date	Invoice	1099 Excl
03471 FREEMAN, JAMES	13-01622 11/18/13 REIMBURSEMENT UPCOM.LIGHTING.	1 REIMBURSEMENT UPCOMING	453.48	3-01-28-795-068	B SPECIAL EVENTS	R	11/18/13	11/20/13	REIMB.HOLID.LTS	N
	Vendor Total:		453.48							
03704 ALLEN TERMITE & PEST CONTR.INC	13-00204 01/31/13 PEST CONTROL 2013	11 PEST CONTROL 2013 / OCTOBER	195.00	B 3-01-26-772-029	B OTHER CONTRACTUAL ITEMS	R	01/31/13	11/20/13	OCTOBER	N
	Vendor Total:		195.00							
03727 STAPLES ADVANTAGE	13-01437 10/03/13 Ink for printer(shop)	1 Ink for printer(shop)	158.35	3-01-26-765-036	B OFFICE SUPPLIES	R	10/03/13	11/20/13	3212463180	N
13-01505 10/21/13 Office Supplies	1 Office Supplies	2 Office Supplies	22.23 22.24	3-01-42-855-036 3-01-41-250-036	B OFFICE SUPPLIES B OFFICE SUPPLIES	R R	10/21/13 10/21/13	11/20/13 11/20/13	3212978394 3212978396	N N
	Vendor Total:		44.47							
03951 EDIBLE ARRANGEMENTS	13-01295 09/09/13 passing of Levitzki mom	1 fruit arrangement	70.00	3-01-20-701-036	B OFFICE SUPPLIES	R	09/09/13	11/20/13	248035	N
	Vendor Total:		70.00							
03976 OFFICE MAX	13-01469 10/09/13 COPY PAPER	1 COPY PAPER 2 COPY PAPER 3 4 COPY PAPER 5 COPY PAPER	319.20 31.92 63.84 95.76 95.76	3-01-20-701-036 3-01-20-702-036 3-01-20-704-036 3-01-20-708-036 3-01-21-720-036	B OFFICE SUPPLIES B OFFICE SUPPLIES B OFFICE SUPPLIES B OFFICE SUPPLIES B OFFICE SUPPLIES	R R R R R	10/09/13 10/09/13 10/09/13 10/09/13 10/09/13	11/20/13 11/20/13 11/20/13 11/20/13 11/20/13	011642 011642 011642 011642 011642	N N N N N

Vendor # Name	PO # PO Date Description	Item Description	Amount	Contract PO Type	Charge Account	Acct Type Description	Stat/Chk	Enc Date	First Rcvd	Chk/Void	1099
								Date	Date	Date	Exc]
03976 OFFICE MAX	13-01469 10/09/13 COPY PAPER	6 COPY PAPER	Continued								
			31.92	Continued	3-01-25-745-036	B OFFICE SUPPLIES	R	10/09/13	11/20/13	011642	N
			638.40								
			Vendor Total:								
			638.40								
Total Purchase Orders:			71	Total P.O. Line Items:	194	Total List Amount:	171,041.42	Total Void Amount:	0.00		

Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total
CURRENT FUND 2013 BUDGET	3-01	158,343.18	0.00	158,343.18	0.00
CAPITAL FUND	C-04	2,642.50	0.00	2,642.50	0.00
BANK OF AMERICA ESCROW ACCOUNT	E-08	3,685.84	0.00	3,685.84	0.00
OTHER TRUST ACCOUNT	T-03	3,817.50	0.00	3,817.50	0.00
DOG TRUST ACCOUNT	T-12	2.40	0.00	2.40	0.00
OPEN SPACE TRUST ACCT	T-14	2,550.00	0.00	2,550.00	0.00
Year Total:		6,369.90	0.00	6,369.90	0.00
Total of All Funds:		<u>171,041.42</u>	<u>0.00</u>	<u>171,041.42</u>	<u>0.00</u>

Example Tree Ordinance for Montvale

BOROUGH OF MONTVALE

AN ORDINANCE TO PROVIDE FOR THE PRESERVATION OF TREES ON RESIDENTIAL PROPERTIES THROUGHOUT THE BOROUGH OF MONTVALE

BE IT ORDAINED by the Mayor and Council of the Borough of Montvale, in the County of Bergen, State of New Jersey Chapter ?? Tree Preservation is hereby added to the code of the Borough of Montvale as follows:

Section 1. Title

This chapter shall be known as the “Residential Tree Removal and Protection Ordinance of the Borough of Montvale.”

Section 2. Findings and Purpose

It is the purpose of this ordinance to control and regulate the indiscriminate or excessive removal, large scale clear cutting and destruction of trees within the borough. It also seeks to control, regulate and prevent conditions that cause an increase in storm water run-off, sedimentation, soil erosion, loss of wildlife habitat, air or noise pollution or inhibit aquifer recharge or impair the ambiance or physical appearance of a neighborhood. The regulations contained in this ordinance are designed to limit such adverse impact while not interfering with the right of a borough property owner to appropriately remove trees in accordance with the regulations set forth herein. This ordinance only applies to the following residential zones R-10, R15, R40, or any other residential property.

Section 3. Definitions

The following definitions shall apply to this chapter:

Borough – Shall mean the Borough of Montvale

Clear Cutting - Indiscriminate removal of trees with the intention of creating an open area.

Diameter at Breast Height (DBH) – shall mean the diameter of a tree measured at a point 4 ½ feet from natural ground level

Drip Line – The area to the ground under the vertical of the branches of the tree

Enforcement Officer - shall mean a duly authorized agent who shall be designated by resolution of the Borough Mayor and Council.

Root Ball – part of a plant/tree that contains the root that is already growing, it may have soil and/or be enclosed in burlap, wire, string, plastic, etc.

Permit – shall mean a standardized written document, duly adopted by the Borough Mayor and Council

Person – shall mean any individual, developer, or entity other than the Borough

Structure – shall mean a combination of materials to form a construction for occupancy or other purpose.

Topping – shall mean the severe cutting back of limbs to stubs larger than (3") inches in diameter within the tree's crown, to such a degree so as to remove the normal canopy and disfigure the tree except where other pruning practices are impractical or impossible with respect to trees severely damaged or causing obstructions to wires or cables.

Tree - A deciduous (leaf shedding) or evergreen tree having a single or multi stem trunk with a total diameter of at least 6" at maturity, measured at DBH

Residential Properties – A generic term describing an area that gives the impression that it is predominantly a place where people live.

Section 4. Prohibited activities

No individual, corporation or association shall do or cause to be done by others, either purposely, carelessly or negligently, any of the following acts upon privately owned property within the Borough of Montvale

A. Remove, cut, destroy or injure any tree of a diameter of six inches (6") measured at DBH unless first obtaining a permit in accordance with the regulations and provisions of this ordinance

B. Place or maintain upon the ground any substance which will impede the free access of air and water to a tree's living components.

C. Apply any substance within the drip line or to any part of a tree, including roots, with the intention to injure or destroy the tree.

Section 5. Exemptions

The following are exempt from this ordinance:

- A. All land-clearing operations as authorized in accordance with a site plan approval or subdivision approval and conditions imposed with respect to tree removal and planting granted by the Planning Board, or the Department of Public Works. Under **no** circumstances shall clear-cutting be permitted on any residential property.
- B. Trees located on a commercial nursery or orchard.
- C. The cutting, pruning or trimming of trees in a beneficial manner which is not harmful to the health of the tree, as in accordance with the ANSI-A300 Primary Standards.
- D. Removal of trees which endanger public safety.
- E. The cutting or removal of any tree pursuant to an order or directive of any municipal, county or state agency or court.
- F. Activities involving tree trimming or removal located within a public right-of-way or easements or publicly owned or controlled property.

Section 6. Permitted Activities

Notwithstanding the restrictions contained in the above sections, the following activities shall be permitted in accordance with a properly issued tree removal permit:

- A. For properties located within the R-10 Zone a maximum of 3 trees may be removed in any 12 month period
 - B. For properties located within the R-15 Zone a maximum of 4 trees may be removed in any 12 month period
 - C. For properties located within the R-40 Zone a maximum of 5 trees may be removed in any 12 month period.
- Only trees that are at least a minimum diameter measured at DBH of six (6) inches will be included in the total tree count.

NOTE: Trees that are removed which are clearly determined to be dead or diseased by the enforcement officer will not be included in the count of the tree removal limitation described in this section. The applicant may supply a letter from a certified tree expert or arborist to the enforcement officer describing the condition of the tree.

All work permitted under this ordinance must comply with Montvale Code Chapter 68 regarding noise.

Section 7. Application Procedure

- A. Application for a Tree Removal Permit shall be submitted prior to any removal work proceeding. The tree removal permit application requires the following:
1. Completing an application form provided by the Borough and supplying the following information: The name and address of the applicant; the street address and tax lot and block of the property in question; the number and type of trees to be removed.
 2. The reason(s) for removing the trees.
 3. A tree removal plan, consisting of a diagram or sketch showing the location of all trees to be removed, the species of such trees and their diameter measured 4 ½ feet above the ground (DBH) , the location of all trees of a size described in Section 4 within 20 feet of the trees to be removed, and location of all existing and proposed structures on the property, together with the approximate distance that the trees proposed to be removed are located from such structures and from property lines. A reproduction of an existing survey modified to provide this information would be acceptable.
 4. The proposed method of tree removal and the name of the contractor or individuals who will be performing the removal including their NJ contractor's registration number.
 5. A fee of \$35 shall be charged for processing a tree removal permit for the permitted number of trees to be removed in any of the zones.
 6. A fee of \$500 shall be charged for each tree to be removed above the total permissible count of trees per each zone. Funds to be designated for costs associated with tree replacement and planting within the Borough.
- OR
- A replacement tree of at least 2.5" diameter measured 4 ½" feet above the root-ball shall be properly installed and planted on the property from where the original trees were removed. A tree of similar or same species should be planted.
- B. The applicant shall place a wide ribbon supplied by the borough around the trunk of each tree to be removed, at a height of 4 ½ feet above the ground. No tree removal shall take place until a site inspection has been completed by the enforcement officer or authorized agent.

Section 8. Conflict with Other Laws

Notwithstanding anything in this chapter to the contrary, no tree removal shall be permitted where prohibited by the Zoning Ordinance (e.g. buffer zones and landscaping provisions) or any other municipal, state or federal statute, ordinance or regulation.

Section 9. Protection of Existing Trees

A. Construction

In connection with any construction, subsequent to tree clearing but prior to the issuance of a building permit or start of construction, snow fencing or other protective barrier acceptable to the official charged with the administration and enforcement of this chapter shall be placed around trees that are not removed. The protective barriers shall be placed outside the drip line of any tree and shall remain in place until all construction is complete. Also no materials shall be placed within any area so protected by barriers. Any landscaping activities subsequent to the removal of the barriers shall be accomplished with light machinery or manual labor.

B. No person shall:

1. Cut down or remove any trees except as permitted by this chapter or allow or cause such cutting or removal.
2. Cause or allow any willful damage, injury or disfigurement of any tree growing within the Borough. For purposes of this subsection, the actions of any person shall be deemed willful if the damage, injury or disfigurement of any tree is caused as the result of but not limited to the following: topping, cutting, gashing or slitting of any tree, or on the nearby ground; the construction or placement of any nonporous material on the ground around any tree so as to cut off air, light or water from the roots; or placement or removal of any soil from within the drip line of any tree or ornamental tree as defined in Section 3 above. The application of any form of poison or harmful chemical, naturally occurring or manmade are also considered willful damage.
3. Store or pile building material or debris or place construction equipment within the drip line of any tree as defined in section 3 above.

Section 10. Administration and Enforcement

This ordinance shall be administrated and enforced by the enforcement officer.

Section 11. Appeals

Any person aggrieved by the decision of the official discharged with the administration and enforcement of this ordinance shall have the right, within ten calendar days of the issuance of any decision by said official to file an appeal to Borough Council.

Section 12. Violations and Penalties

Any person who violates any provision of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding two thousand dollars per tree that is improperly removed or damaged in violation of this ordinance.

Section 13. Permit Revocation

The Borough council, through the Enforcement Officer may revoke a permit where there has been a false or misleading application or there is noncompliance with the approved permit

Section 14. Display of Permit

Upon approval of issuance, the tree removal permit shall be displayed so that it is visible from the nearest public street until such time as authorized work has been completed and approved by the Enforcement Official

Tree Ordinance Committee Meeting Notes

10/28/2013

Attendees:

- Linda Bongoardino Resident
- Jeff Fette Building Dept
- Robert Hanrahan Resident / EC Member / Tree Committee Chair
- Ed Hugel Resident / EC Member
- Leah LaMonica Resident / Council Liaison
- Randall Preston Resident / EC Member
- Lisa Skoglund Resident / EC Member
- Chuck Taut Resident

1. Mr. Fette explained that all zones outside of R-10, R-15, and R-40 have processes in place to which regulate trees yet some commercial properties are used for residential purposes. We added a note to cover commercial property use as a residence.
2. Mrs. LaMonica spoke to Mr. Voorhees regarding heritage/historical trees within the Borough. He is investigating further. Decision will reconvene on this matter as needed.
3. One member thought that the tree removal schedule was too low at 3/4/5 trees depending on zone. Took a vote and the majority agreed with leaving the removal schedule as is.
4. A member suggested increasing the diameter of the tree size described in described in various sections from 6" to 8", majority agreed to leave it as is.
5. Under section 6 we added: The applicant may supply a letter to the enforcement officer describing the condition of the tree.
6. Trees which fall from storms may be considered exempt under section 5D
7. Discussed amending section 7a6 to include a schedule for replacement of larger trees. "Something like 1 replacement tree for removal of tree > 12"DBH, 2 for > 18"DBH, 3 for > 24"DBH, ..." Members felt the idea had merit and should be considered in a future amendment.
8. We made a final review of the ordinance resulting in minor changes. We voted to move this version of the draft ordinance to the next step in the process. All voted for moving it forward except Mrs. Bongoardino abstained based on her limited attendance.
9. Understood next steps are Attny review, Planning board review, Mayor and Council with potential assistance by the Environmental Committee
10. We concluded the Tree Committee efforts until called upon for further input.