

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:31pm. Adequate notification was published in the official newspaper of the Borough of Montvale. Roll call was taken. Master Sergeant Dieter Koelling led the Pledge of Allegiance.

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting was provided to The Bergen Record and The Ridgewood News, informing the public of the time and place according to the provisions of the Open Public Meeting Law (Chapter 231, P.L. 1975).

ROLL CALL:

Councilmember Curry	Councilmember Lane
Councilmember Koelling	Councilmember Talarico
Councilmember LaMonica	Councilmember Weaver

Also present: Mayor Mike Ghassali; Borough Attorney, Joe Voytus; Borough Engineer, Andy Hipolit; Administrator/Clerk, Maureen Iarossi-Alwan and Deputy Municipal Clerk, Fran Scordo

ORDINANCES:

PUBLIC HEARING ORDINANCE NO. 2016-1411 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, AMENDING AND SUPPLEMENTING CHAPTER 106 OF THE BOROUGH CODE IN ORDER TO ESTABLISH A "NO-KNOCK LIST"

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

Section 1. Chapter 106 of the Borough Code is hereby amended and supplemented by adding a new Section 106-10, "No-Knock List," as follows:

§106-10 No-Knock List.

- A. Establishment of No-Knock List. All residents of the Borough may register their name, address and/or unit/apartment number with the Municipal Clerk to be placed on the No-Knock List, indicating that they do not want canvassers, distributors, solicitors, peddlers, transient merchant or hawkers of any sort to approach their homes and/or seek personal contact with the occupants of the registered residence. The Municipal Clerk shall provide the registration form, which shall be available during normal business hours. By registering for the No-Knock List, the resident acknowledges that the Borough Police, Fire and other Emergency Services groups are exempt from the requirements of this section.
- B. Updating and provision of list. The Municipal Clerk shall maintain a No-Knock List, a copy of which shall be provided to all persons or organizations required to obtain a license or register pursuant to this Chapter. Registrants shall remain on the No-Knock List for a period of five (5) years from the date of registration, or until such time as they advise the
- C. Municipal Clerk in writing that they wish to be removed from the list. The Municipal Clerk shall ensure that the list is updated periodically.
- D. Registration and display of decal. Upon completion of registration on the No-Knock List, the subscriber may purchase and receive, for a fee of \$1.00, a decal stating "DO NOT KNOCK; Registered on the No-Knock List with the Borough of Montvale Municipal Clerk; VIOLATORS WILL BE PROSECUTED", which may be displayed in a clearly-visible location (e.g., front door or window adjacent to the front door).

- E. Violations. It shall be unlawful for any canvasser, distributor, solicitor, peddler, transient merchant or hawker to approach and/or seek personal contact with the occupants of any residence if that residence is registered on the No-Knock List. Anyone violating this subsection shall, upon conviction thereof, be subject to fines and penalties in accordance with Chapter 1, Article II, General Penalty” of the Borough Code.

Section 2. Severability.

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

Section 3. Effective date.

This Ordinance shall take effect thirty (30) days after final adoption and publication required by law, or at such time as the Municipal Clerk advises the Mayor and Council in writing that the registration forms and decals are available at the Municipal Clerk’s office, whichever last occurs.

Section 4. Repeal of inconsistent ordinances.

All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Ordinance No. **2016-1411** was introduced for second reading by Councilmember Weaver; seconded by Councilmember Lane ; Clerk read by title only

Motion to open meeting to the public by Councilmember Talarico; seconded by Councilmember Curry - all ayes

NO PUBLIC COMMENT

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

Motion to adopt on Second and Final Reading in Ridgewood News by Councilmember Lane; seconded by Councilmember Koelling; Clerk read by title only ----- A roll call vote was taken --- all ayes

Debbie Lawlor, Planner

Recommends to withdraw ordinance. This will enable the planner to include it in the re-examine of the Master Plan.

PUBLIC HEARING ORDINANCE NO. 2016-1412

AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 128, “ZONING,” OF THE BOROUGH CODE IN ORDER TO SPECIFY VARIOUS ZONING REQUIREMENTS FOR SCHOOLS AND HOUSES OF WORSHIP

Ordinance No. **2016-1412** was introduced for second reading by Councilmember Weaver as a result of no second motion – a motion was made by Councilmember Lane to withdraw the ordinance; seconded by Councilmember Talarico – a roll call vote was taken with all ayes.

2016 BUDGET PRESENTATION:

Included with original minutes

PUBLIC HEARING 2016 MUNICIPAL BUDGET

MEETING OPEN TO PUBLIC:

Municipal Budget Only

Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Talarico

- all ayes

NO PUBLIC COMMENT

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember

Talarico - all ayes

MEETING CLOSED TO PUBLIC:

Municipal Budget Only

AMENDMENT TO 2016 MUNICIPAL BUDGET Resolution No. 68A-2016

Original Resolution included in minutes

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

Resolution No. 68B- 2016 Adoption of 2016 Municipal Budget

Original Resolution included in minutes

Introduced by: Councilmember Lane; seconded by Councilmember Talarico - A roll call vote was taken - All ayes

INTRODUCTION ORDINANCE 2016-1413 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,425,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

A motion to Introduce Ordinance **2016-1413** for first reading was made by Councilmember Weaver; 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 LaMonica - A roll call was taken – all ayes

MINUTES:

April 12, 2016

A motion to accept the minutes by Councilmember Lane; seconded by Councilmember Koelling

- all ayes with the exception of Councilmember Weaver abstaining

MINUTES CLOSED/EXECUTIVE SESSION:

April 12, 2016

A motion to accept the minutes by Councilmember Lane; seconded by Councilmember LaMonica

- all ayes with the exception of Councilmember Weaver and Curry abstaining

RESOLUTIONS:**69-2016 Borough of Montvale Fire Department LOSAP Eligible's**

WHEREAS, The Borough of Montvale, has adopted a LOSAP program for the members of the Montvale Fire Department; and

WHEREAS, to be eligible for the annual \$1,350.00 stipend for 2015, totaling \$29,700 for the Department, the Montvale Fire Department must meet certain criteria; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the Borough Treasurer initiate LOSAP payments in the name of those Fire Department members deemed eligible to receive them.

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

70-2016 Awarding Contract Professional Engineering Services Montvale Municipal Building Analysis of HVAC System Repair/Replacement & Roof Replacement

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide professional services to evaluate the present heating, ventilation and air-conditioning system in the Municipal Building, and replacement of existing roof.

WHEREAS, professional services include preparation of bid specifications, evaluation report, identify potential upgrades/replacement to the system, provide cost estimates and options, construction drawings and preparation of plans specifications, supplemental and technical for roof replacement; 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, 200 Valley Road, Suite 400, Mt. Arlington, NJ 07856 has submitted a proposal dated April 7, 2016 to provide engineering services for these services which is attached to the original of this resolution, and

WHEREAS, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

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

- 1) That the proposal for the scope of engineering services is attached to this resolution which is made part of this resolution shall be awarded to Maser Consulting.
- 2) That the following be provided: Engineering Inspection, Design and Bidding For Improvement To Various Roads
- 3) The cost not to exceed shall be \$38,500.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

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

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

71-2016 Tax Court Settlement/Block 3103 Lot 1/Ferolie Realty Associates

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Ferolie Realty Associates (hereinafter the "Tax Appeal"), under Docket Numbers 002832-2014 and 007356-2015, and;

WHEREAS, the aforesaid tax appeal involves a commercial property located at 2 Van Riper Road, and is otherwise referred to as Block 3103 Lot 1 on the tax assessment map of the Borough (hereinafter the "subject property"), and;

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel, the Borough Tax Assessor and the Borough Appraiser, and;

WHEREAS, the terms of the proposed settlement are set forth in the attached Schedule "A" included herein, 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 hereby approved, in accordance with the terms set forth in the attached Schedule "A", and;

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Borough Administrator, 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:

2014 Appeal: \$5,190,112

2015 Appeal: \$4,720,635

B. In addition to the foregoing, the 2016 assessment shall be set at \$4,653,495.

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

72-2016 Refund of Tax Overpayment and Cancellation Of 2nd Quarter 2016 Taxes And All Future Taxes Due To Granting Of Totally Disabled Veteran Status By Department Of Veterans Affairs

WHEREAS, this resolution authorizes the municipality to cancel 2nd quarter 2016 taxes and all future taxes due to the granting of totally disabled veteran status by the Department of Veterans Affairs per the Department's letter dated April 13, 2005 for Ronald J. Cabezas. The effective date of this disability is January 18, 2016. Mr. Cabezas is the owner of 74 Autumn Way, Block 302, Lot 1, C0013.

WHEREAS, an overpayment of taxes occurred for February 2016 in the amount of \$907.92; and
NOW, THEREFORE BE IT RESOLVED, that the Tax Collector be and is hereby authorized to refund Mr. Cabezas \$907.92; and

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to cancel 2nd quarter 2016 and all future taxes for Mr. Cabezas per the above.

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

73-2016 A Resolution Authorizing an Agreement with the Pascack Valley Regional High School District Board of Education for the Borough's Provision of a School Resource Officer for the 2015/2016 School Year

WHEREAS, the Pascack Valley Regional High School District Board of Education and the Borough of Montvale desire to provide the services of one police officer(s) assigned by the

Borough to the school district on a generally full-time basis as a school resource officer ("SRO"); and

WHEREAS, both parties recognize the potential benefits of the SRO program to the citizens of the municipality and to the students and staff of the school district; and

WHEREAS, it is in the best interests of the school district and the municipality to establish this SRO program and set forth the terms and conditions thereof; and

WHEREAS, the attorneys for the Board and the Council have negotiated the terms of a School Resource Officer Partnership Agreement, a copy of which is attached hereto, which has been approved by the Chief of Police; and

WHEREAS, said agreement is authorized by the provisions of N.J.S.A. 40A:11-5(2).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that the School Resource Officer Partnership Agreement attached hereto is hereby approved.

BE IT FURTHER RESOLVED that the Mayor, Borough Clerk, and all other appropriate officials are hereby authorized and empowered to execute the School Resource Officer Partnership Agreement in substantially the form that is attached hereto.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Introduced by: Councilmember Lane; seconded by Councilmember LaMonica - All ayes
Councilmember Curry ask for clarification regarding the resolution; the borough attorney responded by saying this resolution is to formalize agreement

74-2016 Authorizing Execution of Agreement/County of Bergen/GIS Data Exchange Agreement ("GIS Data")

BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale hereby authorizes the execution of the attached between the County of Bergen and the Borough of Montvale to exchange Geographical Information System Data;

NOW THEREFORE BE IT FURTHER RESOLVED, The attached agreement provides the terms and conditions serving a public purpose which facilitates the development for mutual aid and public safety.

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

75-2016 Resolution Voiding Resolution No. 118-2015 & Amending Resolution 120-2015 Tri-Borough Volunteer Ambulance Corps 2016/Utility Vehicle/Awarding Decaling 10-75 Emergency Lighting

WHEREAS, the Borough of Montvale awarded a joint purchase with the Borough of Woodcliff Lake and The Borough of Park Ridge for a 2016 Police Interceptor Utility, All Wheel Drive Vehicle, for use by the Tri-Borough Volunteer Ambulance Corps.

WHEREAS, VCI Emergency Vehicle Specialists, Berlin NJ will not be providing the required modifications to the vehicle as stated in Resolution 118-2015 for an amount of \$1,451.05; and

WHEREAS, 10-75 Emergency Lighting, Haskell, NJ was awarded a contract for certain modifications to the vehicle via Resolution No. 120-2015 in the estimated amount of \$6,757.21; and

WHEREAS, 10-75 Emergency Lighting will be performing the modifications to the vehicle in the actual amount of \$7,113.22 which is an additional amount of \$356.01 from original;

WHEREAS, 10-75 will be performing the decaling of the vehicle in the amount of \$1,400.00 not VCI Emergency Vehicle Specialists; and

WHEREAS, the Borough's Chief Financial Officer has certified that funds have been appropriated and are available for this purpose; and

WHEREAS, Park Ridge and Woodcliff Lake have each provided the Borough of Montvale with their pro-rata share of the cost of the Vehicle and said modifications; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that a contract, jointly funded by the Boroughs of Montvale, Park Ridge and Woodcliff Lake, for certain modifications to the 2016 Police Interceptor Utility, All Wheel Drive Vehicle, for use by the Tri-Boro Volunteer Ambulance Corps, shall be awarded as follows:

<u>Contractor</u>	<u>Price</u>
10-75 Emergency Lighting	\$7,113.22
14 First Avenue	
Unit 3	
Haskell, New Jersey 07420	

Decal	\$1,400.00
TOTAL AMOUNT	\$8,513.22

BE IT FURTHER RESOLVED that the Mayor, Municipal Clerk and all other appropriate officials are authorized and empowered to execute all documents necessary to effectuate the purposes of this Resolution

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

76-2016 Award Lease/Purchase/2016 Ford Explorer/Beyer Ford/State Contract # A83013

WHEREAS, the Mayor and Council approved a 2016 Ford Explorer 4WD vehicle to finance for the Construction Code/Zoning Code & Property Maintenance Official; and

WHEREAS, the Borough of Montvale authorized the execution of a Master Lease Purchase Agreement with Ford Motor Credit Company in the amount of \$29,323.00 for a term of 36 months; and

WHEREAS, payments shall be made to Ford Motor Credit Company, Municipal Finance, 1 American Road, MD7500, Dearborn, MI 48126; and

NOW, THEREFORE, BE IT RESOLVED, the Chief Financial Officer has certified that funds are available and certification is attached to the original of this resolution.

NOW THEREFORE, BE IT FURTHER RESOLVED, the Mayor and Council authorize the Borough Administrator to execute this lease agreement with the above named vendor.

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

77-2016 Authorize Release of Performance Guarantee Site Plan Bond/Release of Escrow & Cash Bond/Block 1601/Lot 21/Nottingham Court/Regan Development/Montvale Commons

WHEREAS, Regan Development Corp./Sphere Construction Group, LLC Montvale Commons, LLC is requesting a release in their Performance Bond #PRF08926276 Fidelity & Deposit Company Maryland in the amount of \$328,174.30, cash bond and escrow in the amount of \$36,934.57; and

WHEREAS, an inspection of the site has been conducted by Borough Engineer, which recommends said release of the above referenced in letter dated April 8, 2016 which is attached to the original of this resolution; and

WHEREAS, the Borough Engineer recommends the cash bond in the amount of \$36,434.67 be released and with \$500.00 be held for final inspections and billing; and

WHEREAS, by the Borough of Montvale is in receipt of a two year Maintenance Bond #35298 in the amount of \$36,629.55; and

NOW THEREFORE BE IT FUTHER RESOLVED, The Borough Treasurer shall receive a copy for processing

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

78-2016 Tax Court Settlement / Benjamin Moore & Co / Block 2002 Lot 1 / 101 Paragon Drive

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Benjamin Moore & Co. (hereinafter the "Tax Appeal"), under Docket Numbers 007729-2009, 006904-2010, 006548-2011, 006164-2012, 001741-2013, 005083-2014 and 005445-2015, and;

WHEREAS, the aforesaid tax appeal involves a commercial property located at 101 Paragon Drive, and is otherwise referred to as Block 2002 Lot 1 on the tax assessment map of the Borough (hereinafter the "subject property"), and;

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel, the Borough Tax Assessor and the Borough Appraiser, and;

WHEREAS, the terms of the proposed settlement are set forth in the attached Schedule "A" included herein, 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 hereby approved, in accordance with the terms set forth in the attached Schedule "A", and;

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Borough Administrator, 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:

2009 Appeal: Withdrawn
2010 Appeal: Withdrawn
2011 Appeal: \$18,395,000
2012 Appeal: \$18,395,000
2013 Appeal: \$18,395,000
2014 Appeal: \$16,430,000
2015 Appeal: \$17,000,000

B. The parties further agree to set the 2016 assessment for the subject property at \$16,000,000.

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

79-2016 Tax Court Settlement / Block 3201 Lot 1 / 1 Philips Parkway / Reckitt Benckiser

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Reckitt Benckiser (hereinafter the "Tax Appeal"), under Docket Numbers 010316-2011; 005011-2012; 009690-2013; 007571-2014 and 004270-2015, and;

WHEREAS, the aforesaid tax appeal involves a commercial property located at 1 Philips Parkway, and is otherwise referred to as Block 3201 Lot 1 on the tax assessment map of the Borough (hereinafter the "subject property"), and;

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel, the Borough Tax Assessor and the Borough Appraiser, and;

WHEREAS, the terms of the proposed settlement are set forth in the attached Schedule "A" included herein, 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 hereby approved, in accordance with the terms set forth in the attached Schedule "A", and;

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Borough Administrator, 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"

- C. The terms of the aforesaid tax appeal settlement shall consist as follows:
- 2011 Appeal: Withdrawn
 - 2012 Appeal: Withdrawn
 - 2013 Appeal: \$14,110,000
 - 2014 Appeal: \$13,280,000
 - 2015 Appeal: \$13,035,000
- D. The parties further agree to set the 2016 assessment for the subject property at \$11,620,000, and the 2017 assessment shall be set at \$9,545,000.

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

80-2016 Tax Court Settlement / Block 1001 Lot 2 / 155 Chestnut Ridge Road / TCAM Core Properties, LP

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by TCAM Core Properties, LP (hereinafter the "Tax Appeal"), under Docket Numbers 009353-2010; 003695-2011; 007919-2012, and 006478-2013, and;

WHEREAS, the aforesaid tax appeal involves a commercial property located at 155 Chestnut Ridge Road, and is otherwise referred to as Block 1001 Lot 2 on the tax assessment map of the Borough (hereinafter the "subject property"), and;

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel, the Borough Tax Assessor and the Borough Appraiser, and;

WHEREAS, the terms of the proposed settlement are set forth in the attached Schedule "A" included herein, 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 hereby approved, in accordance with the terms set forth in the attached Schedule "A", and;

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Borough Administrator, 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"

- E. The terms of the aforesaid tax appeal settlement shall consist as follows:
- 2010 Appeal: \$12,000,000
 - 2011 Appeal: \$11,600,000
 - 2012 Appeal: \$11,600,000
 - 2013 Appeal: \$11,400,000
- F. The provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") are expressly and voluntarily waived by the parties and shall not be a part of this settlement.

Introduced by: Councilmember Curry; seconded by Councilmember LaMonica - All ayes with the exception of Councilmember Lane abstaining

81-2016 Dedication By Rider / Developer's Escrow Fund

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenue received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, NJS 40:55D-53.1 provides that the money received by a municipality from an applicant, for professional services employed by the municipality, be held in trust (escrow) by the municipality; and

WHEREAS, pursuant to NJS 40:55D-53.2, the chief financial officer of a municipality shall make payments to professionals for services rendered to the municipality for review of applications, inspection of improvements, etc; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider.

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to receive money and make payments in connection with the Developer's Escrow Funds in accordance with N.J.S.A. 40A:4-39.
2. The Municipal Clerk of the Borough of Montvale is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.
3. This resolution shall not become effective until this resolution is approved by the Director of the Division of Local Government Services.

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

BILLS:

A motion to pay bills by Councilmember Lane; seconded by Councilmember LaMonica - All ayes

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

- a. Engineering Proposal Road Improvement / North Ave

Resolution will be prepared for next meeting

- b. Woodland Road/Donnybrook Road/Safety Investigation

The engineer will put together a sketch for proposals; a motion for a quote for a RFQ by Councilmember Talarico; seconded by Councilmember Lane – all ayes

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

- a. Report Receipt of Bids/Montvale Fire House

Seven bids were received; second low bidder wants to reject award because unit pricing sheet

Recommended to award to Unimak for the base bid

1. Draft Resolution of Award

82-2016 A Resolution Awarding a Contract to Unimak, LLC for the New Montvale Fire House Project

WHEREAS, the Borough of Montvale did previously publicly solicit bids for the Construction of a New Montvale Fire House – Rebid pursuant to the *Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the solicitation requested bid prices for a Base Bid plus Alternates “A” and “B”; and

WHEREAS, in response to said solicitation, seven (7) bids were received; and

WHEREAS, the lowest bid was submitted by Unimak, LLC, for the Base Bid and either or both Alternates; and

WHEREAS, subsequent to the bid opening, the apparent second-lowest bidder, Mark Construction, submitted a protest letter urging that the Borough reject the bid submitted by Unimak for certain reasons set forth therein; and

WHEREAS, Unimak responded to Mark’s allegations and asserted that its bid was fully responsive; and

WHEREAS, after consultation with legal counsel, the Borough finds that the bid protest submitted by Mark Construction is without merit; and

WHEREAS, Unimak’s Base Bid is approximately 3.4% higher than the Architect’s estimate but is within the funds available for this Project at this time; and

WHEREAS, the Borough Attorney has reviewed Unimak’s bid for compliance with the bid specifications, and it appears that Unimak has submitted all required documentation and is therefore the lowest responsible and responsive bidder; and

WHEREAS, the Borough’s Chief Financial Officer has certified that funds have been appropriated and are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that a contract for the above-referenced project shall be awarded as follows:

Bidder	In the amount of:
Unimak, LLC	Base Bid: \$4,449,000.00
82 Midland Avenue	
Saddle Brook, New Jersey 07663	TOTAL \$4,449,000.00

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute a contract to effectuate the purpose of this Resolution, subject to approval by the Borough’s Architect, Engineer and Attorney.

BE IT FURTHER RESOLVED that the Borough Clerk shall, within 20 business days of the award of this contract, provide to the New Jersey Office of the State Comptroller all documents required to be submitted pursuant to *N.J.S.A. 52:15C-10* and applicable regulations.

Introduced by: Councilmember Lane; seconded by Councilmember Curry - a roll call was taken
- All ayes

Councilmember Weaver asked about the timeline; attorney responded -20 business days

b. Municipal Shared Service Defense Agreement (“MSSDA”)

1. Draft Resolution of Participation

83-2016 Municipal Consortium / Econsult Solutions

WHEREAS, the Borough of Montvale previously entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

WHEREAS, the MSSDA required an initial contribution of \$2,000.00 per participating municipality to fund the services to be performed by Econsult Solutions as the group's common expert and for other services directly related to the purpose of the MSSDA; and

WHEREAS, the services rendered by Econsult and by various attorneys in furtherance of the purpose of the MSSDA have nearly exhausted the funds currently available to the group; and

WHEREAS, the administrator of the MSSDA has requested that each participating municipality contribute an additional \$2,000.00 in furtherance of the purpose of the MSSDA, due to on-going, critically-important legal battles that will have a profound impact on all New Jersey municipalities including Montvale; and

WHEREAS, on the recommendation of the Borough Attorney and Borough Planner, the Mayor and Council desire to authorize the additional contribution requested; and

WHEREAS, the Chief Financial Officer has certified that funds have been appropriated and are available for this purpose.

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

1. The Borough hereby authorizes payment of an additional \$2,000.00 in furtherance of the purpose of the MSSDA, as requested by Jeffrey Surenian, Esq., administrator for the MSSDA.
2. If additional funds are needed to effectuate the intent and purpose of the MSSDA, no such funds shall be authorized without further action from the Borough of Montvale.
3. This Resolution shall take effect immediately.

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - All ayes
Councilmember Weaver mentioned that the borough questioned Econsult numbers; the borough attorney stated that the borough Planner has gone over the numbers and made adjustments;

UNFINISHED BUSINESS:

a. Status Draft Tree Ordinance

Mayor Ghassali asked councilmembers for comments – After a brief discussion by councilmembers it was decided not to go forward with the ordinance as it is currently; give it to the Environmental Commission for further discussion. Mayor Ghassali asked for a motion to open the meeting to the public to accommodate some residents that were in attendance regarding the tree ordinance.

A motion to open meeting to the public regarding tree ordinance by Councilmember Lane; seconded by Councilmember Koelling – all ayes

John Wirth

Some properties are eyesores – cutting trees will be an improvement

Michael Barnes

Not in agreement with current draft ordinance

Lillian Crowley

Not in agreement with current ordinance; should consider just clear cutting ordinance

Brian Lanius

Not in support

A motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Talarico - all ayes

A motion not to proceed with ordinance the way it is currently and to give it to the Environmental Commission by Councilmember Lane; seconded by Councilmember Talarico – a roll call vote was taken - all ayes

NEW BUSINESS:

- a. Sample Resolution To Oppose Parole C. Righetti/State of NJ/Sen. Cardinale
Resolution will be prepared for next meeting

COMMUNICATION CORRESPONDENCE:

None

MEETING OPEN TO THE PUBLIC:

HEARING OF CITIZENS WHO WISH TO ADDRESS THE MAYOR AND COUNCIL:

Upon recognition by the Mayor, the person shall proceed to the floor and give his/her name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he/she shall limit his/her statement to five (5) minutes. Statements shall be addressed to the Council as a body and not to any member thereof. No person, other than the person having the floor, shall be permitted to enter into any discussion, without recognition by the Mayor.

A motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Koelling – all ayes

A representative from Mark Construction that was the second lowest bidder for the firehouse wanted to speak in regards to letter from attorney

Chief Miller

Looking forward to moving forward with the firehouse – needed clarification about base bid what happens with the two alternate bids – attorney mentioned that later on if monies are left over then you may consider the two alternate bids

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

ADJOURNMENT:

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

ADJOURNMENT

Meeting adjourned at 9:38pm

The next Meeting of the Mayor and Council will be held May 10, 2016 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk