

**MINUTES  
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:53pm. Adequate notification was published in the official newspaper of the Borough of Montvale.

**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 Arendacs	Councilmember Koelling
Councilmember Curry – absent	Councilmember Lane
Councilmember Gloeggler	Councilmember Weaver

Also present: Mayor Mike Ghassali; Borough Engineer, Andy Hipolit; Borough Attorney, Joe Voytus; Deputy Municipal Clerk, Fran Scordo

**ORDINANCES:**

**INTRODUCTION OF ORDINANCE NO. 2017-1432** AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 23 AND CHAPTER 39 OF THE BOROUGH CODE TO REVISE CERTAIN FEES FOR SHEDS AND FENCES  
(public hearing 11/14/17)

A motion to Introduce Ordinance **2017-1432** for first reading was made by Councilmember Gloeggler; 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 Koelling - A roll call was taken – all ayes  
The borough attorney explained that this ordinance was done by the Construction department to correct and update fees regarding fences and sheds.

**MINUTES:**

October 10, 2017

A motion to accept the minutes by Councilmember Lane; seconded by Councilmember Gloeggler  
- all ayes with the exception of Councilmember Lane abstaining

**MINUTES CLOSED/EXECUTIVE SESSION:**

October 10, 2017

A motion to accept the minutes by Councilmember Lane; seconded by Councilmember Gloeggler  
- all ayes with the exception of Councilmembers Lane and Weaver abstaining

October 18, 2017

A motion to accept the minutes by Councilmember Koelling; seconded by Councilmember Lane  
- all ayes with the exception of Councilmembers Weaver and Arendacs abstaining

**RESOLUTIONS:**

**201-2017 Authorize Release of Escrow / Block 1102; Lot 2.01 / Genworth / 110 Summit Ave**

**WHEREAS**, Genworth Real Estate Holding LLC, 110 Summit Ave, Montvale, NJ 07645 has requested release in escrow for Block 1102; Lot 2.01; and

**WHEREAS**, the Borough Engineer and other Borough professionals take no exception to the release; and

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale the amount of \$ 12,106.06 is hereby released to Genworth Real Estate Holding LLC; and

**BE IT FURTHER RESOLVED**, the Treasurer shall receive a copy of this resolution for processing.

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

**202-2017 Awarding Professional Service Contract / Inspection Services / Montvale Flood Detention Dam / Maser Consulting, LLC**

**WHEREAS**, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide inspection of the Flood Detention Dam located near Wildwood Court; 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 October 2, 2017 to provide 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: Inspection Services
- 3) The cost not to exceed shall be \$8,500.00. 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 Gloeggler - All ayes

**203-2017 Authorize Change Orders No. 8 And 9 New Montvale Firehouse/Unimak LLC**

**WHEREAS**, the Borough of Montvale awarded a contract on April 26, 2016 in connection with the New Montvale Firehouse Project; and

**WHEREAS**, the original contract amount is \$4,449,000.00 via Resolution #82-2016; and

**WHEREAS**, the Robbie Conley Architect, LLC approved said change orders based on the contract as per the documentation transmittal dated October 9, 2017 which is attached to the original of this resolution; and

**WHEREAS**, Change Orders 8 and 9 is hereby authorized in the amount of \$12,600.12 and \$10,530.85 to be issued to Unimak, LLC, 82 Midland Avenue, Saddle Brook, NJ 07663 Franklin Avenue, Suite 170 Nutley, NJ 07110-1209; and

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

Total Contract Amount	\$4,449,000.00 Resolution #82-2016
Payment	\$207,230.80 Resolution 138-2016 Payment #1
Payment	\$125,696.76 Resolution 144-2016 Payment #2
Payment	\$188,081.60 Resolution 153-2016 Payment #3
Payment	\$219,199.20 Resolution 171-2016 Payment #4
Payment	\$357,836.56 Resolution 180-2016 Payment #5
Change Order 1	\$0 (26 additional days)
Change Order 2	Credit \$23,000.00 (due to reduction heated slab)
Change Order#2 (continued)	Credit #23,000.00 minus \$19,915.15 (Fire Pole)
	Credit amount total \$3,085.00
Balance, Including Retainage	\$3,350,955.08 as of 11/7/16
Balance w/credit Change Order 2	\$3,347,870.08 Reso.188-2016
Change Order 3	\$0
Payment	\$273,771.34 Resolution 194-2016 Payment #6
Payment	\$156,559.10 Resolution 53-2017 Payment #7
Payment	\$204,912.37 Resolution 61-2017
Payment	\$56,208.60 Resolution 84-2017
Payment	\$156,514.40 Resolution 106-2017
Payment	\$130,624.90 Resolution 124-2017
Payment	\$146,617.80 Resolution 129-2017
Change Order 4	\$44,085.25 (6" Water Service)
Change Order 5	\$31,792.00 (Cupola)
Payment	\$197,738.03 Resolution 162-2017
Payment	\$252,873.27
Change Order 6	\$7,328.75
Change Order 7	\$66,158.32
Change Order 8	\$12,600.12
Change Order 9	\$10,530.85

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

**204-2017 Authorize Release of Escrow / Block 712; Lot 9 / 69 Montvale Ave, LC Developers, LLC**

**WHEREAS**, LC Developers, LLC, 22 Ruth Place, Park Ridge, NJ 07656 has requested release in escrow for Block 712; Lot 9, property address 69 Montvale Ave; and

**WHEREAS**, the Borough Engineer and other Borough professionals take no exception to the release; and

**NOW THERFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale the amount of \$1,468.41 is hereby released to LC Developers, LLC; and

**BE IT FURHTER RESOLVED**, the Treasurer shall receive a copy of this resolution for processing.

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

**205-2017 Authorize Orange & Rockland Sub-Station Release of Performance Guarantee Cash Bond/ Block 1102/Lot 2.02/110 Summit Avenue**

**WHEREAS**, Orange & Rockland, 4 Irving Place, New York, New York 10003 is requesting a release in their Performance Guarantee Cash Bond in the amount of \$54,755.00; and **WHEREAS**, an inspection of the site has been conducted of the Orange & Rockland Substation by the Borough Engineer, which recommends said release of the above referenced in letter dated October 11, 2017 which is attached to the original of this resolution; and **WHEREAS**, the Governing Body does hereby release said Cash Performance Guarantee pending a two year Maintenance Bond be posted in the amount of \$68,443.00 prior to the release of the cash bond as stated in the February 19, 2013 letter hereto attached to this resolution.

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

**206-2017 Authorize Payment #3(Final) and Change Order #1(Final) / Montvale Borough Hall Emergency Generator Project / Manor II Electric, Inc.**

**WHEREAS**, the Borough of Montvale awarded a contract on January 10, 2017 via Resolution in connection with the Montvale Borough Hall Generator Installation; and **WHEREAS**, the original contract amount is \$114,000.00 via Resolution #39-2017; and **WHEREAS**, the Borough Engineer in letter dated October 12, 2017 takes no exception to payment # 3 in the amount of \$10,997.73 which is attached to the original of this resolution; and **WHEREAS**, the Borough Engineer also included in letter dated October 12, 2017 change order #1 in the amount of \$1,320.00 which reflects an increase of 1.16% of the contract amount for the purchase and installation of the remote annunciator; and **WHEREAS**, the Borough Engineer stated in his letter dated October 12, 2017 during construction, Manor Electric damaged the underground sprinkles in the amount of \$3,147.50 this will be deducted from the final payment; and **WHEREAS**, final payment in the amount of \$7,850.23 is hereby authorized to be issued to Manor II Electric, 112 Johnson Street, Newark, New Jersey 07105; and **WHEREAS**, the Borough's Chief Financial Officer has certified that funds have been appropriated and are available for this purpose.

Total Contract Amount	\$114,000.00	Resolution # 39-2017
Payment #1	\$ 26,495.28	Resolution #82-2017
Payment #2	\$ 77,826.99	Resolution #122-2017

Change Order #1	\$ 1,320.00	Resolution # 206-2017
Less Sprinkler Repair	\$ (3,147.50)	Resolution #206-2017
Final Payment #3	\$ 7,850.23	Resolution #206-2017

**NOW THEREFORE BE IT RESOVED**, by the Governing Body of the Borough of Montvale final payment #3 in the amount of \$7,850.23 be and is hereby issued.

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

**207-2017 Authorize Tax Settlement / Block 3102; Lot 1.01 and Block 2701; Lot 2 / KPMG**

**WHEREAS**, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by KPMG Peat Marwick Co. (hereinafter the "Tax Appeal"), under Docket Numbers 001937-2013, 001237-2014, 000973-2015, 003573-2016, 004289-2016 and 000700-2017, and;

**WHEREAS**, the aforesaid tax appeal involves two adjacent commercial/office properties located at 1 Chestnut Ridge Road and 75 Chestnut Ridge Road, and is otherwise referred to as Block 3102 Lot 1.01 and Block 2701 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 Schedule "A" attached herein, and;

**WHEREAS**, the provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") shall be applicable to the terms of this settlement, 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, Borough Tax Appeal Attorney and/or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

**SCHEDULE "A"**

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

**1 Chestnut Ridge Road  
(Block 3102 Lot 1.01)**

2013 Appeal: Withdrawn  
2014 Appeal: Withdrawn  
2015 Appeal: \$52,550,000  
2016 Appeal: \$52,550,000  
2017 Appeal: \$47,550,000

**75 Chestnut Ridge Road  
(Block 2701 Lot 2)**

2016 Appeal: \$5,700,000  
2017 Appeal: \$5,700,000

B. The provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") shall be applicable to the terms of this settlement.

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

**208-2017 Special Item Of Revenue And Appropriation - Chapter 159**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item appropriation for an equal amount, and

**WHEREAS**, the Borough of Montvale has entered a shared service agreement with the Pascack Valley Regional School District in the amount of \$27,504.00 and wishes to amend its 2017 budget to include this amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Montvale hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$27,504.00 which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Shared Service Agreements Off-Set with Appropriations:

Pascack Valley Regional School District: Special Police Officers III, and

**BE IT FURTHER RESOLVED** that a like sum of \$27,504.00 be and hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from "CAPS"

Shared Service Agreements Off-Set by Revenues:

Pascack Valley Regional School District: Special Police Officers III

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

**209-2017 Authorize Change Order 3 and 4 Montvale Intersection Improvements / Widening of Chestnut Ridge Road / New Prince Concrete Construction Co., Inc.**

**WHEREAS**, the Borough of Montvale awarded a contract on April 11, 2017 in connection with the Montvale Intersection Improvements Project throughout the Borough of Montvale; and

**WHEREAS**, base bid was awarded in the amount of \$2,064,244.05 to the following:

New Prince Concrete, 215 Eileen Terrace, Hackensack, New Jersey 07601

**WHEREAS**, this contract was awarded via Resolution #92-2017; and

**WHEREAS**, the Borough Engineer in a detailed letter dated October 24, 2017 recommends

Change Order #3 in the amount of \$80,000.00 as an increase to the contract for Police Detail; and

**WHEREAS**, Change Order #3 is hereby authorized to be issued to New Prince Concrete

Construction Co., Inc. in the amount of \$80,000.00; and

**WHEREAS**, the Borough Engineer in a detailed letter dated October 25, 2017 recommends

Change Order #4 in the amount of \$(25,819.34) as a decrease to the contract for the removal of certain contract line items; and

**WHEREAS**, Change Order #4 is hereby authorized to be issued to New Prince Concrete

Construction Co., Inc. in the amount of \$(25,819.34); and

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

Total Contract Base Bid Amount	\$2,064,244.05
Change Order #1	\$ 485,445.54
Change Order #2	\$ 20,000.00
Change Order #3	\$ 80,000.00
Change Order #4	\$ (25,819.34)
New Project Total	\$ 2,623,870.25

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

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

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

**ENGINEER'S REPORT:**

Andrew Hipolit  
Report/Update

Intersection project of Spring Valley and Grand are done; Spring Valley and Summit are not complete due to Verizon. Field pre-construction meeting scheduled for this week; Upper Saddle River Road culvert a meeting is scheduled next week; Paving for Shady Trail and Valemont will be completed in a few weeks; Suggested to put in place an ordinance regarding the utility companies and digging up roads that were recently paved.

a. Update Bamboo / Residents Montvale Avenue / Engineering Determination

The engineer explained that the bamboo sits on four properties; need permission to go on the properties; the process will be, to dig up the bamboo and leave it exposed for a few months, treat it with a chemical, leave it exposed again and see if it dies;

A motion to authorize the attorney to prepare documents to access the homeowners property by Councilmember Lane; seconded by Councilmember Arendacs – all ayes

Councilmember Weaver mentioned the curbing on Kinderkamack Road needs to be replaced; the engineer suggested to pass a resolution and send it to the county to have the County include Kinderkamack Road on their paving program and to include curbs as well.

**ATTORNEY REPORT:**

Joe Voytus, Esq.  
Report/Update

The County finally sent an agreement for Chestnut Ridge Road, will forward a contract to New Prince; the engineer mentioned to include in the contract that the County will pay for inspection costs and fees

**UNFINISHED BUSINESS:**

a. Proposed Draft Tree Ordinance / Comments and Recommendations

The attorney stated, he received some comments from the public and the environmental committee. He comprised a draft ordinance and forwarded it to the Environmental Commission, they will review it at their meeting on November 20;

b. Update / Fieldstone Discussion

- Field agreement – Arsenal

Councilmember Weaver mentioned about the fees, should we raise fees??? Given the new turf field being installed; wants to look into Open Space Trust Fund and see what comes in and out; annual maintenance;

- School contribution turf replacement

Councilmember Weaver asked what is the update about the schools contribution towards the field; the first agreement was \$25,000 each year for ten years; the Mayor will bring it to the next meeting he has with the school administration;

- Netting

Councilmember Weaver has concerns regarding spectators viewing two different games going on at the same time on different fields; it's a safety issue; the engineer spoke in regards to a portable netting that can be used; cost approximately \$10,000;

- Memorial Field Updates

MAL started their field work at a cost of \$40,000; spoke about the backstops; school will consider paving the access road; Backstops approximate costs \$30,000 per field; Councilmember Weaver asked for estimates;

**NEW BUSINESS:**

a. Budget Consideration/Open Space Trust Fund/North & South Parks/Tree Report Only  
W. Koenig/Landscape Architect

Bob Hanrahan spoke about the project; Mr. Koenig did an extensive tree study; The study indicated approximately \$35,000 to prune the trees due to safety issues; Mayor ask Mr. Hanrahan to get an estimate;

b. School #2 Field

Bob Hanrahan submitted a plan (included); small area 100 by 200; concept is an outdoor sitting area; The engineer stated that its possible to apply to the County for a grant;

c. Huff Park Maintenance

Worked with the County; cleaned the pond, added fish, trimmed trees; need to have circulation of the water to clear up the algae; a valve would help with the flow; DPW is willing to help; the County will help to a point; it was suggested that maintenance of the park needs to be more active; also, a member of the Huff family is asking for permission to plant a tree behind the plaque and to either replace the plaque or clean the existing one;

Councilmember Weaver asked the engineer his opinion of selling advertising on the turf; the engineer suggested to have a policy in place first; will look into it

The Mayor stated he received a request from Fire Prevention to change their fees; right now there is an increase of 10% each year; the small business owners have complained that the increase every year is too much for them;

**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

Jarret Schumacher

Mentioned that the borough's immunity will expire on October 31; the Mayor stated it has been extended to November 30

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

**ADJOURNMENT:**

Motion to adjourn by Councilmember Lane; seconded by Councilmember Koelling – all ayes  
Meeting adjourned at 9:45pm

The next Meeting of the Mayor and Council will be held November 14, 2017 at 7:30 p.m.

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