

**MINUTES  
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 8:00pm. Adequate notification was published in the official newspaper of the Borough of Montvale. 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).

**ROLL CALL:**

Councilmember Arendacs - absent	Councilmember Koelling
Councilmember Curry	Councilmember Lane
Councilmember Gloeggler	Councilmember Russo-Vogelsang

**ORDINANCES:**

**INTRODUCTION OF ORDINANCE NO. 2019-1465** AN ORDINANCE DELETING CHAPTER 119, "TOWING SERVICES, LICENSED," OF THE BOROUGH CODE  
(Public Hearing 02-12-2019)

A motion to Introduce Ordinance **2019-1465** for first reading was made by Councilmember Russo-Vogelsang; 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 Curry - A roll call was taken – all ayes

**MINUTES:**

January 8, 2019

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

**RESOLUTIONS: (CONSENT AGENDA\*)**

All items listed on a consent agenda are considered to be routine and non-controversial by the Borough Council and will be approved by a motion, seconded and a roll call vote. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

**44-2019 Authorize Appointment / Sherri D'Alessandro / Acting Municipal Court Administrator**

**WHEREAS**, pursuant to N.J.S.A. 2B:12-10 the Municipality of Upper Saddle River and the Municipality of Montvale, acting as lead agency for the Pascack Joint Municipal Court, are required to provide for a Municipal Court Administrator; and

**WHEREAS**, pursuant to N.J.S.A. 40A:65-1 et. Seq., any municipality of the State of New Jersey may contract with any other municipality or municipalities to share services that any party to the agreement is empowered to provide within its own jurisdiction; and

**WHEREAS** in accordance with N.J.S.A. 2B:12-1(c) the Municipality of Upper Saddle River and the Municipality of Montvale, acting as lead agency for the Pascack Joint Municipal Court, consent and agree to share the professional services of their respective Municipal Court Administrators on a provisional basis in the event of the absence of the Municipal Court Administrator and Deputy Court Administrator, to undertake the duties of the absent Municipal Court Administrator during scheduled and/or unscheduled leaves, within the two respective municipalities; and

**WHEREAS** the rate of pay shall be \$30 per hour. Pay rate established by N.J.S.A. 2B:12-10(b).

**NOW THEREFORE BE IT RESOLVED**, this 29th day of January 2019, that the Municipality of Upper Saddle River and the Municipality of Montvale consent to the attached agreement.

**45-2019 Resolution Authorizing Execution Of Subordination Agreement – BCUW/Madeline Housing Partners, LLC**

**WHEREAS**, there has been developed in the Borough of Montvale an affordable housing development on property being known and designated as Block 1606, Lot 6.02, being more commonly known as 9 Grand Avenue East (“the property”); and

**WHEREAS**, the property was conveyed by the Borough of Montvale to BCUW/Madeline Housing Partners, LLC (“the property owner”); and

**WHEREAS**, the Borough holds Deed restrictions concerning affordable housing with reference to restrictions on resale and financing as set forth in a document dated October 10, 2018 and recorded November 14, 2018 in V Book 03107 at Page 1421; and

**WHEREAS**, the New Jersey Housing and Mortgage Finance Agency (“HMFA”) has provided financing to the property owner in the sum of \$147,300.00; and

**WHEREAS**, HMFA and the property owner have requested that the Borough subordinate the aforementioned Deed restrictions to the HMFA in connection with its Mortgage and Regulatory Agreement by executing a Subordination Agreement; and

**WHEREAS**, said subordination will not impair the continued use of the property as an affordable housing development.

**NOW THEREFORE BE IT RESOLVED** that Mayor Michael Ghassali and Borough Clerk Maureen Iarossi-Alwan be and are hereby authorized to execute the aforementioned Subordination Agreement.

**46-2019 A Resolution Awarding a Contract to Colonnelli Brothers, Inc. for the Emergency Repairs – Sanitary and Storm Sewer Systems Project**

**WHEREAS**, the Borough of Montvale has a need for services in connection with the Montvale Emergency Repairs – Sanitary and Storm Sewer Systems Project; and

**WHEREAS**, consistent with the New Jersey *Local Public Contract Law*, N.J.S.A. 40A:11-1, et seq., the Borough of Montvale did publicly solicit bids for said project under the title “EMERGENCY REPAIRS FOR SANITARY & STORM SEWER SYSTEM” with bids due in December, 2018; and

**WHEREAS**, said solicitation requested bids for an estimated Base Bid; and

**WHEREAS**, the contract is for two (2) years, with one (1) mutual option year; and

**WHEREAS**, in response to said solicitation, four (4) bids were received; and

**WHEREAS**, the lowest bid for the estimated Base Bid was submitted by Colonnelli Brothers, Inc. in the total estimated amount of \$255,242.80; and

**WHEREAS**, the estimated bid amount was used for bid comparison purposes, and no minimum amount of work is guaranteed; and

**WHEREAS**, the final amount of the contract shall be adjusted based on the actual quantities needed; and

**WHEREAS**, said bid was within the Engineer’s estimate for this work; and

**WHEREAS**, the offices of the Borough Engineer and Borough Attorney have reviewed this bid and have deemed it responsive to the bid specifications; and

**WHEREAS**, the Borough's Chief Financial Officer has certified that funds have been appropriated and are available for this purpose, which certification shall be updated as future work is ordered under this contract.

**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**

Colonnelli Brothers, Inc.  
409 S. River Street  
Hackensack, New Jersey 07601

**In the amount of:**

Estimated	\$255,242.80
Minimum	\$100,000.00

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute all documents and to take all steps reasonably necessary to effectuate the purposes of this Resolution, subject to approval by the Borough Engineer and Attorney.

**47-2019 A Resolution Awarding a Contract to D&L Paving Contractors for On-Call Roadway Maintenance Services**

**WHEREAS**, the Borough of Montvale has a need for On-Call Roadway Maintenance Services; and

**WHEREAS**, consistent with the New Jersey *Local Public Contract Law*, N.J.S.A. 40A:11-1, et seq., the Borough of Montvale did publicly solicit bids for said project under the title "On-Call Roadway Maintenance" with bids due on November 15, 2018; and

**WHEREAS**, said solicitation requested bids for an estimated Base Bid; and

**WHEREAS**, the contract is for two (2) years, with one (1) mutual option year; and

**WHEREAS**, in response to said solicitation, three (3) bids were received; and

**WHEREAS**, the lowest bid for the estimated Base Bid was submitted by D&L Paving Contractors in the total estimated amount of \$67,925.00; and

**WHEREAS**, the estimated bid amount was used for bid comparison purposes, and only a minimum amount of \$25,000 per year of work is guaranteed; and

**WHEREAS**, the final amount of the contract shall be adjusted based on the actual quantities needed; and

**WHEREAS**, said bid was within the Engineer's estimate for this work; and

**WHEREAS**, the offices of the Borough Engineer and Borough Attorney have reviewed this bid and have deemed it responsive to the bid specifications; and

**WHEREAS**, the Borough's Chief Financial Officer has certified that funds have been appropriated and are available for this purpose, which certification shall be updated as future work is ordered under this contract..

**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**

D&L Paving Contractors  
675 Franklin Avenue  
Nutley, New Jersey 07110

**In the amount of:**

Estimated	\$67,925.00
Minimum	\$25,000.00 annually

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute all documents and to take all steps reasonably necessary to effectuate the purposes of this Resolution, subject to approval by the Borough Engineer and Attorney.

**48-2019 Authorize Release of Escrow / Block 1503; Lots 4 and 13 / Sabrina Tempesta**

**WHEREAS**, Sabrina Tempesta, has requested release in escrow for Block 1503; Lots 4 and 13, for escrow posted for 10 Walnut Street, Montvale; 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 \$330.00 is hereby released to Sabrina Tempesta; and

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

**49-2019 Award Professional Service Contract / Construction Observation Services Authorization for FY2018 NJDOT Municipal Aid/Upper Saddle River Road between Chestnut Ridge Road & The Boarder of Montvale / Maser Consulting**

**WHEREAS**, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide professional services to design, construction observation services and bidding municipal road improvements for the Upper Saddle River Road 2018 NJDOT Grant Program Roadway Improvements Project; 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, 400 Valley Road, Suite 304, Mt. Arlington, NJ 07856 has submitted a proposal dated January 18, 2019 to provide the engineering services for services which are detailed and 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: Construction Observation Services
- 3) The cost not to exceed shall be \$17,000.00. 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.

**50-2019 Award Professional Service Contract / Tier A – Municipal Stormwater Permit Reporting / Maser Consulting, LLC**

**WHEREAS**, the Borough of Montvale is required to perform inspections on all stormwater outfalls by May 2019. This requirement deems it necessary to engage the professional services of an Engineer to provide inspection services for the Montvale's Tier A- Municipal Stormwater General Permit; and

**WHEREAS**, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

**WHEREAS**, Maser Consulting, Inc. 400 Valley Road, Suite 304, Mt. Arlington, NJ 07856 has submitted a proposal dated January 4, 2019 which is attached to this resolution; and

**WHEREAS**, Maser will perform Tier A Municipal Stormwater Permit Preparation, Tier A MS4 NJDES New Requirements Implementation and Tier A MS4 Outfall Pipe Map Preparation, the cost is not to exceed \$29,500.00; and

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

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

**51-2019 Award Professional Service Contract/Public Defender/Alternate Public Defender/Pascack Joint Municipal Court**

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

**WHEREAS**, these services were solicited under the fair and open request for qualifications procedures under New Jersey Local Unit Play To Play Law N.J.S.A. 19:44A-20.4 et seq.; and

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

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

Public Defender: Gerald R. Salerno, Esq.

Alternate Public Defender: Salvatore Sciafani, Esq.

**WHEREAS**, the salary of the Public Defender shall be \$7,500.00; and

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

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

**WHEREAS**, the term of these contracts shall commence on January 1, 2019, and shall continue for the remainder of the calendar year 2019; and

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

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

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

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

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

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

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

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

**52-2019 Authorize Change Order No. 3/Montvale 2017 Paving Program DLS Contracting**

**WHEREAS**, The Borough of Montvale awarded a contract on June 13, 2017 to DLS Contracting, 271 Highway 46 West, Fairfield, NJ 07004 for the Montvale 2017 Road Paving Program; and

**WHEREAS**, the original contract amount including Alternate A & Alternate B is \$620,068.50 via Resolution #133-2017; and

**WHEREAS**, the Borough Engineer in a letter dated January 23, 2019 which is attached to the original of this resolution has been monitoring the project and recommends in detail Change Order #3 in the amount of \$; and

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

Total Contract Amount	\$620,068.50	Resolution 133-2017
Change Order #1	\$58,477.50	Resolution 152-2017
Change Order #2	\$ 6,900.00	Resolution 237-2017 – overpayment
Change Order #3	\$ 5,465.56	Resolution 52-2019

**NOW THEREFORE BE IT RESOLVED**, By the Governing Body of the Borough of Montvale authorize Change Order #3 \$5,465.56 after change order #3 Final Payment was issued in the amount of \$169,137.89.

#### **53-2019 Sale of Surplus/Property/Use of GovDeals/Online Auction**

**WHEREAS**, the Borough of Montvale is the owner of certain surplus property which is no longer needed for public use; and

**WHEREAS**, the Governing Body is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

**NOW THEREFORE, be it RESOLVED** by the Governing Body of The Borough of Montvale, Bergen County, State of New Jersey, as follows:

(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Borough of Montvale.

(2) The sale will be conducted online and the address of the auction site is govdeals.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(4) A list of the surplus property to be sold is as follows is attached to the original of this resolution.

(5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Borough of Montvale reserves the right to accept or reject any bid submitted.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey the Mayor and/or Municipal Clerk are authorized to execute the agreement with GovDeals, and any and all documents necessary for the auction of surplus municipal property.

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - a roll call was taken - all ayes

#### **54-2016 2016-2018 County of Bergen Municipal Snow Plow Agreement**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the appropriate municipal officials be and are hereby authorized to execute the attached two year consecutive snow season agreement to participate in the 2018-2020 County Snow Plowing Program.

**BE IT FURTHER RESOLVED**, that the Borough of Montvale shall use the Pascack Valley Department of Public Works and/or contractor to perform the snow/ice pushing and removal control operations on all roads and streets located within the Borough of Montvale.

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

**55-2019 A Resolution Awarding a Professional Service Contract for the Position of Municipal Prosecutor for the Pascack Joint Municipal Court to Dario, Albert, Metz & Eyerman, LLC**

**WHEREAS**, the Pascack Joint Municipal Court has a need to contract with a licensed attorney or firm to serve as the municipal prosecutor pursuant to N.J.S.A. 2B:24-1, et seq.; and

**WHEREAS**, these services were solicited by way of request for qualifications pursuant to the "fair and open" procedures under New Jersey Local Unit Play-To-Play Law N.J.S.A. 19:44A-20.4 et seq.; and

**WHEREAS**, the request for qualifications stated that either an individual attorney or a firm could be appointed as the municipal prosecutor; and

**WHEREAS**, it is the desire of the Pascack Joint Municipal Court to appoint the firm of Dario, Albert, Metz & Eyerman, LLC as the municipal prosecutor, with Ronald Dario, Esq. serving as the lead attorney; and

**WHEREAS**, it is expected that Ronald Dario, Esq. will serve as the primary municipal prosecutor and will handle all matters and attend all sessions of the Pascack Joint Municipal Court barring exceptional circumstances; and

**WHEREAS**, the compensation of the municipal prosecutor shall be \$27,000 per year; and

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

**WHEREAS**, the term of this contracts shall commence as of the date of this resolution, and shall continue for the remainder of the calendar year 2019; and

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

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

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

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

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

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - all ayes  
Councilmember Curry asked if we will be changing Prosecutors, Councilmember Lane stated it was voted on by the joint court committee 2 to 1 in favor of changing the prosecutor; the borough attorney suggested that the council briefly go into closed session to further discuss the details; a motion to go into closed session by Councilmember Lane; seconded by Councilmember Curry – all ayes

A motion to go back to public session by Councilmember Lane; seconded by Councilmember Curry – all ayes

**56-2019 Confirm Endorsement of Community Development Project/Senior Activities Grant**

**WHEREAS**, a Bergen County Community Development grant of \$6,000.00 has been proposed by the County of Bergen for Senior Citizens Activities 2019-2020 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.

Introduced by: Councilmember Lane; seconded by Councilmember Curry - all ayes  
Borough attorney mentioned that Community Block Grants are now federally regulated and suggested to table this resolution for more research; a motion to table this resolution 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 Curry - All ayes

**ENGINEER'S REPORT:**

Andrew Hipolit  
Report/Update  
No Report

**ATTORNEY REPORT:**

Joe Voytus, Esq.  
Report/Update  
No Report

**UNFINISHED BUSINESS:**

Councilmember Curry would like to have a discussion about not filming the workshop sessions; a motion by Councilmember Curry to no longer film workshop sessions; seconded by Councilmember Russo-Vogelsang – all ayes

**NEW BUSINESS:**

Mayor Ghassali would like to schedule the next town hall meeting for March 7 at 7PM in Council Chambers

**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 Koelling; seconded by Councilmember Curry – all ayes

**Jarret Schumacher**

Ask for clarification as to what meetings will be televised and what meetings are open to the public; Mayor Ghassali stated that all council meetings are open to the public and the first meeting of the month will be televised.

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

**MOTION TO GO INTO CLOSED EXECUTIVE SESSION:**

A motion to go into closed session by Councilmember Lane; seconded by Councilmember Curry – all ayes

**ADJOURNMENT:**

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

Meeting adjourned at 8:20 pm

Budget Meeting to be held at 6:00 p.m. on February 12, 2019

The next Meeting of the Mayor and Council will be held February 12, 2019 at 7:30 p.m.

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