

**PUBLIC MEETING  
MINUTES**

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 6:34 PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Mayor Fyfe led the Pledge 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: Mayor Roger Fyfe; Borough Engineer, Andrew Hipolit; Borough Attorney, Joe Voytus, Esq.; Administrator/Municipal Clerk, Maureen Iarossi-Alwan; and Deputy Municipal Clerk, Fran Scordo

**ROLL CALL:**

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

**6:30 p.m. Police Accreditation Presentation: The Rodgers Group**

**7:30 p.m. Proclamation: Pascack Valley Regional High School Robotics Team**

Declared May 11, 2011 as Pascack Pioneer Day

**Presentation: Lime Energy/Chris Maresca and Emily Hoffman**

Included with original minutes

**MEETING OPEN TO PUBLIC:**

Agenda Items Only

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

**NO PUBLIC COMMENT**

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

**MEETING CLOSED TO PUBLIC:**

Agenda Items Only

**MINUTES:**

April 26, 2011

A motion to approve minutes by Councilmember Ghassali; seconded by Councilmember Talarico - all ayes – Councilmembers Lane and LaMonica abstained

**RESOLUTIONS:**

**105-2011 Appointment Regular Member / Montvale Fire Department / Charles Lydon**

**WHEREAS**, the Montvale Fire Department is desirous of adding a regular member; and **WHEREAS**, Charles Lydon, Montvale, NJ 07645 has been approved by the Board of Fire Commissioners and has undergone a satisfactory physical, pursuant to the attached application which has been made part of this resolution; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the appointment of Charles Lydon, as a Member of the Montvale Fire Department, is hereby approved.

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

**106-2011 Redemption of Tax Sale Certificate #09-10000**

**WHEREAS**, a redemption has been made on Certificate #09-10000, Block 104, Lot 19, property in the name of Kevin & Kara Mantell, 96 Powder Hill Road, Montvale, NJ and, **WHEREAS**, the lien holder, Stonefield Investment Fund I, LLC has submitted the Tax Sale Certificate, signed for cancellation in the amount of \$17, 467.69 plus subsequent payments and penalties totaling \$38,212.15 plus premium of \$6,000 and;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, that the Treasurer and the Tax Collector be and is hereby authorized to Redeem Certificate #09-10000 and send payment of \$44,212.15 to Stonefield Investment Fund I, LLC, 21 Robert Pitt Drive, #202, Monsey, NY 10952, Attn: Ashley Anisfeld.

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

**107-2011 Award Professional Service Contract/Preparation of Bid Specifications/Firehouse Roof/Maser Consulting**

**WHEREAS**, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide engineering services to prepare bid documents to include technical specifications and will conduct the following services:

**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 21, 2011, 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 service is attached to this resolution which is made part of this resolution and shall be awarded to Maser Consulting.
- 2) That the following be provided:
  - 1. Preparation of assistance of bid notice.
  - 2. Preparation of bid proposal forms
  - 3. Preparation of Instruction to bidders.
  - 4. Preparation of general conditions
  - 5. Preparation of technical specifications
  - 6. Attend bid opening, summarize and review and prepare recommendation
- 3) The not to exceed amount shall be \$3,500.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered.

**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 Greco ; seconded by Councilmember Lane All ayes

**108-2011 Award Professional Service Contract/Preparation of Bid Specifications/Sanitary Sewer Pump Stations Emergency Operation & Maintenance/Maser Consulting**

**WHEREAS**, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide engineering services to prepare bid documents to procure a company that will provide emergency operations and maintenance for the three pump stations in the Borough of Montvale’s sanitary sewer system:

**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 21, 2011, 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 service is attached to this resolution which is made part of this resolution and shall be awarded to Maser Consulting.
- 2) The following scope of services will be provided:
  - 1. Bidder Pump Station Field Inspection.
  - 2. Preparation of bid proposal forms and bid notice
  - 3. Preparation of special provisions
  - 4. Preparation and Instruction to bidders
  - 5. Preparation of technical specifications
  - 6. Attend bid opening, summarize and review and prepare recommendation
- 3) The not to exceed amount shall be \$4,500.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered.

**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 Ghassali All ayes

**109-2011 Award Professional Service Contract/Appraisal Services/ Appraisal Systems, Inc.**

**WHEREAS**, the Borough of Montvale has deemed it necessary to engage in the professional services of an appraiser to provide the Borough with appraisal services relating to the county tax appeals for the 2011 Tax Year.; 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**, Appraisal Systems, Inc., 265 Harristown Road, Suite 302, Glen Rock, New Jersey 07452 has submitted a proposal, dated April 26, 2011, 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 service is attached to this resolution which is made part of this resolution and shall be awarded to Appraisal Systems, Inc.
- 2) The not to exceed amount shall be \$8,000.00. The Appraiser shall be required to submit itemized bills and payment shall be made based upon services rendered.

**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 Talarico All ayes

**110-2011 Authorize close the RCA Trust Account and to place the proceeds into the Housing Trust Fund account**

**WHEREAS**, the Borough is presently maintaining two separate accounts entitled “Housing Trust Fund” and “Regional Contribution Agreement (RCA) Trust Account”, both of which contain funds utilized by the Borough for the purpose of assisting the Borough in satisfying its constitutional obligation to provide its fair share of low and moderate income housing; and

**WHEREAS**, Regional Contribution Agreements (“RCAs”)are no longer permitted to be utilized as a mechanism by municipalities for the satisfaction of a portion of its affordable housing obligation pursuant to P.L. 2008, c.46, codified at N.J.S.A. 52:27D-302j and at N.J.S.A. 52:27D-329.6; and

**WHEREAS**, as a consequence of the elimination of RCAs as a mechanism for the satisfaction of a municipality’s affordable housing obligation, the RCA Trust Account should be eliminated and the proceeds thereof placed in the Affordable Housing Trust Fund.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the Borough Treasurer and Chief Financial Officer be and are hereby authorized and directed to take such action as is necessary to close the RCA Trust Account and to place the proceeds thereof into the Housing Trust Fund account; and

**BE IT FURTHER RESOLVED**, that such officials and signatories on these accounts may execute such documents as may be required so as to comply with the requirements of the within resolution.

Introduced by: Councilmember Greco; seconded by Councilmember Talarico All ayes

**111-2011 Authorize Submission of Tri-Borough /NJ Transit Van Application/2011**

**BE IT RESOLVED BY THE** Mayor and Council of the Borough of Montvale that the Borough Administrator be and is hereby authorized to submit a grant application to NJ Transit FY 2011, Section 5310 Elderly and Persons with Disabilities Capital Assistance Program for a replacement van-Minibus w/front Lift.

**BE IT FURTHER RESOLVED** that said grant application and grant if awarded, shall be at no cost or match to the Boroughs of Park Ridge, Montvale and Woodcliff Lake.

**BE IT FURTHER RESOLVED** that a copy of this resolution be provided to the Borough of Woodcliff Lake and the Borough of Park Ridge.

Introduced by: Councilmember Greco; seconded by Councilmember Talarico All ayes

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

Motion to pay bills by Councilmember Talarico; seconded by Councilmember Lane - All ayes  
Councilmember Greco asked for clarification of lien redemption and what property was that related to

**REPORT OF REVENUE:** Municipal Clerk read the Report of Revenue

**COMMITTEE REPORTS:**

**Councilmember Lane**

**Fire Dept**

27 calls; 2 drills and one extra credit; there has been a large increase in calls due to carbon monoxide detectors; ISO certification and the fire dept was determined Class IV; the determination of classes effects insurance rates; Montvale has been selected to host 100 year anniversary of the Chief Association Gala in 2013. Need to continue discussions with what type of repairs are needed for the firehouse.

**Councilmember Talarico**

Police

Monthly report included in original minutes

Tri-Boro

36 calls; 627 miles; 35 hours; 107.5 crew hours all by Montvale

**Councilmember LaMonica**

Chamber of Commerce

Taste of Montvale May 11<sup>th</sup> by the Courtyard by Marriott; Street Fair – June 5<sup>th</sup> on Paragon Drive starting at 10am;

Keeping It Green

Earth week Memorial school handed out seedlings to the students; clean up day was on April 12 and was very successful once again, collected 30 bags of trash; KPMG for the third consecutive year, this year they cleaned up by the train station and the North Park, employees sign up to volunteer; Benjamin Moore donated paint for the train station;

**Councilmember Greco**

Recreation

Day in the Park will be held on June 18<sup>th</sup>

DPW

Pot hole repairs are ongoing; Geese Peace were oiling the geese eggs; the paving of Woodland Road is scheduled to start Monday May 16. Yard waste pick-up every Thursday; do not place garbage pails in the street due to street sweeping; Friday June 3 – June 6<sup>th</sup> major track work by NJ Transit

**Councilmember Ghassali**

Local School Board

Budget passed by 62%; Fieldstone School had an event called the 3R day (Respect, Reflect & Remember) which included 30 speakers from around the world, some included a reporter from the Saddam Hussein Trial, the subway guy who saved a person, a holocaust survivor; real people talking about their experiences in history; Montvale received amazing press and was featured on Channel 2 News;

Councilmember Ghassali suggested if the Mayor and Council could recognize the Principal of Fieldstone and the committee for this event in some way

Administration

Lime Energy changed 7,000 bulbs which cost the borough \$300; painting of the municipal building should be completed by end of May; in reference to the question raised at a prior meeting, about refinancing the debt, bond counsel stated we are at the best rate of 3.62%; 2014 is the earliest time to refinance.

**Mayor Fyfe read a report from Councilmember Cudequest**

Regional School Board

School budget vote – voter turnout was 21.4%; of the four towns, Montvale has the highest percentage of yes votes with 61.3% , Woodcliff Lake had 58.9%, Hillsdale had 57.7% and River Vale had 54.6%

Board of Health

Canvassing is set to begin In May; there have been a number of calls from residents saying that it is an invasion of privacy; the geese project has been put on hold due to lack of funding; Bergen County Dept of Health failed to show up at the meeting of May 2<sup>nd</sup> and did not call to cancel or reschedule; they were coming to present their contracts and services they provide so Montvale can compare services to Northwest Regional

Mayor Fyfe also stated that Montvale will be receiving \$13,783.80 for Clean Communities Grant.

**ENGINEER'S REPORT:**

Andrew Hipolit  
Report/Update

- a. Montvale Planning Board Request For Review/Deed of Conservation Easement/DeMatteo  
This has been brought back to DeMatteo attorney
- b. Proposal Preparation of Bidding Specifications/Gabion Wall Failure  
Needed to look into further, will have a report for next meeting
- c. Proposal Preparation of Bidding Specifications/Salt Shed  
Waiting on DEP for the cost of the permits; hope to have more information for next meeting

**ATTORNEY REPORT:**

Phillip Boggia, Esq.  
Report/Update

**No Report**

**UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

- a. Draft resolution opposes Senate Bill No. 1351  
The administrator explained that this has to do with Open Public Records Act regulations; the resolution will be listed for next meeting.

**COMMUNICATION CORRESPONDENCE:**

**NONE**

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

**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 representative from MAL**

Requesting the use of the black top by Memorial School for their annual BBQ on June 4<sup>th</sup>; a motion to approve by Councilmember Greco; seconded by Councilmember Talarico - all ayes

**Stacey Atkinson, 28 sunrise drive**

She has the property next to the DeMatteo property and wanted to Thank Mayor and Council for their continued support; and wanted to know if there is a time frame;

**Chuck Wehrle, 26 Old Chestnut Ridge Road**

Wanted to know the hour rate for the new position of the senior activities coordinator;

**Martin Kent, 63 Woodland Road**

Wanted to update Mayor and Council of the status of his erosion problem on his property; it has increased over the past year and has lost approximately 50 linear feet of frontage; urging the Mayor and Council to seek funding and/or help from state and federal grants.

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

**MEETING CLOSED TO THE PUBLIC:**

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

Meeting was adjourned at 8:46pm

**ADJOURNMENT:**

The next Meeting of the Mayor and Council will be held on May 31, 2011 at 6:30 p.m.

After a discussion in closed session, the Mayor asked for a motion to open the meeting to the public.  
A motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Talarico  
- All ayes

**112-2011 A Resolution Authorizing The Sale Of Certain Municipal Property (The Right-Of-Way Dedication For The Road Known As Hollow Wood Lane, As Shown On The Tax Map Of The Borough Of Montvale), Owned By The Borough Of Montvale, County Of Bergen, State Of New Jersey, Not Required For Public Purposes Pursuant To N.J.S.A. 40a:12-13**

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13, et seq., authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

**WHEREAS**, the Borough of Montvale is the owner of an interest in certain real property not needed for public use, and the Mayor and Council have determined that it is in the best interest of the Borough to sell the same;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale, in the County of Bergen and State of New Jersey, the property identified herein shall be sold by public auction to the highest bidder, said sale being made expressly subject to the following terms and conditions:

**Section 1.** The property hereinafter identified shall be sold, pursuant to N.J.S.A. 40A:12-13, to the highest bidder at public auction, however, the minimum bid for this property shall be ten thousand dollars (\$10,000). The Borough reserves the right to accept the highest bid received or to reject all bids. It is the responsibility of the bidder to determine whether the properties are subject to any encumbrances, liens, zoning regulations, easements, other restrictions, and the Borough makes no representations as to any parcels identified herein:

Property located in Montvale, New Jersey identified as the right-of-way known as Hollow Wood Lane on the Official Tax Map of the Borough of Montvale.

The property is an approximately rectangular-shaped right-of-way that intersects Magnolia Avenue. A complete survey of the property shall be conducted by the Borough Engineer at the sole expense of the winning bidder.

**Section 2.** Bids shall be received for the property for both of the following Options:

Option A: Subject to all existing easements held by the Borough of Montvale, the exact dimensions of which shall be determined by survey conducted by the Borough Engineer.

Option B: Free of the said condition listed in Option A.

**Section 3.** The public auction shall be conducted by the Borough Clerk on a date and time selected by the Borough Clerk at the office of the Borough Clerk, 12 Mercedes Drive, Montvale, New Jersey 07645, in the manner of a public auction in accordance with procedures to be announced by the Clerk.

**Section 4.** The winning bid shall be referred to the Borough Council for review and final approval pursuant to N.J.S.A. 40A:12-13. The Borough of Montvale reserves the right to accept the highest bid received or to withdraw the offer of sale or to reject any or all bids under either or both options A and/or B as described in Section 2 hereof, including the highest bid, and shall make its decision known by resolution not later than at the second regular meeting of the governing body following the sale.

**Section 5.** Potential Bidders shall further abide by the following terms and conditions:

A. All Bidders shall conduct all necessary title searches prior to the date of the sale.

B. The description of the property is intended as a general guide only and may not be accurate. **No representations of any kind are made by the Borough of Montvale as to the conditions of the property; the premises are being sold in their present conditions "as is" by QUITCLAIM DEED.** This lot shall be conveyed subject to existing encumbrances, liens, zoning regulations, easements, other restrictions, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property.

C. The Buyer, at its sole expense, shall have a right to conduct environmental and other inspections of the Property with results satisfactory to Buyer and its lender but must complete such inspections within thirty (30) days of bid acceptance.

D. The Borough Engineer shall perform a survey of the entire tract including the portion being sold in form and substance satisfactory to the Borough and the Buyer, which said survey will be at Buyer's sole expense; and said survey shall be certified to the Borough.

E. The sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Borough of Montvale, including, without limitation, those concerning disposition of municipal real estate.

F. No employee, agent or officer of the Borough of Montvale has any authority to waive, modify or amend any of the conditions of the sale.

G. The property shall be conveyed by a QUITCLAIM DEED and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without representation as to character of title of the property to be conveyed.

H. The successful bidder shall deposit cash, check or money order in the amount of not less than 10% of the bid price at the time of the close of bidding. In the event the successful bidder fails to deposit 10% of the bid price at the time of the close of bidding, the Borough will re-bid the property. In such circumstances, the original successful bidder shall be responsible to the Borough for any

difference between its bid and the final sale bid, in the event such bid is lower than the bid of the original successful bidder.

I. The Buyer shall pay at the time of closing:

- (1) The balance of the purchase price;
- (2) Legal fees incurred by the Borough for transfer of title, including the cost of production of legal documents;
- (3) Engineering fees incurred by the Borough in determining the exact dimensions of the property and any easement to be retained by the Borough;
- (4) The cost of advertisement of the sale;
- (5) The cost of recording the deed, with an agreement that said deed shall be recorded on behalf of the Buyer by the Borough Attorney; and
- (6) Prorated real estate taxes for the balance of the current year as of the date of closing.

J. The Buyer shall covenant and agree to abide by appropriate zoning, subdivision, health and building regulations and codes and shall stipulate that this sale will not be used as grounds to support any variance from the regulations.

K. The purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other properties.

L. The title shall close on or before the 60<sup>th</sup> day after the date set for the receipt of bids in Section 3 of this Resolution, and that date shall be considered time of the essence. The Buyer's failure to close title as set forth herein shall forfeit to the Borough of Montvale any and all money deposited with the Borough.

M. Parties interested in submitting bids and who require additional information, should contact Maureen Iarossi-Alwan, Borough of Montvale Clerk, Municipal Building, 12 Mercedes Drive, Montvale, New Jersey 07645.

**Section 6.** The Borough does not warrant or certify title to the property and in no event shall the Borough of Montvale be liable for any damages to the Buyer/successful bidder if title is found unmarketable for any reason and the Buyer/successful bidder waives any and all right in damages or by way of liens against the Borough, the sole remedy being the right to receive a refund, prior to closing, of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful bidder to examine title to the premises prior to the closing. Notice of any alleged defect in title or claim of unmarketability must be served on the Borough Clerk, by the Buyer, in writing no later than thirty (30) days after the sale is approved by the Mayor and Council. Failure upon the part of the Buyer to give written notice within said time shall be deemed conclusive proof that the Buyer accepts the title in its present condition, and the Borough shall not be responsible for any subsequent claims of defect in title and shall not be required to refund money or correct any defect in title or be held liable for damages.

**Section 7.** The Borough's acceptance of a bid shall constitute a binding agreement of sale, and the Buyer shall be deemed to agree to comply with the terms of conditions of the sale herein contained.

**Section 8.** Pursuant to *N.J.S.A. 40A:12-13*, Notice of this auction shall be published in a newspaper circulating in the municipality at least once per week for two consecutive weeks, the last publication to be not earlier than seven days prior to the date of auction.

Introduced by: Councilmember Lane; seconded by Councilmember Talarico

All ayes

**113-2011 A Resolution Declaring Regan Developers In Default Of Obligation To Purchase Block 1601, Lot 21, And Authorizing The Readvertisement Of The Public Sale Of Said Property**

**WHEREAS**, the Borough of Montvale is the owner of certain real property known as Block 1601, Lot 21 (the "Property"); and

**WHEREAS**, the Property was purchased by the Borough with the intention of development of said parcel as an affordable housing complex in order to satisfy the Borough's affordable housing obligations as determined by the New Jersey Council on Affordable Housing ("COAH"); and

**WHEREAS**, Preliminary Site Plan approval was previously granted by the Montvale Planning Board initially for an affordable, and subsequent to that, a mixed-income (affordable/market rate) senior housing project on the same property in 2003, and most recently on November 20, 2007, respectively; and

**WHEREAS**, the Borough is desirous of selling the Property, with the condition that the Property be developed within a fixed period of time for affordable housing purposes, consistent with the Borough of Montvale's Second Round Amended Housing Element and Fair Share Plan and the Preliminary Site Plan approval(s) previously granted; and

**WHEREAS**, the Borough conducted a public bidding process pursuant to the *Local Lands and Buildings Law, N.J.S.A. 40A:12-1. et seq.*, with bids due on January 25, 2011; and

**WHEREAS**, in response to same, one bid was received from Regan Development Corporation in the amount of \$500,000, which figure satisfies the minimum bid specified in the *Notice to Bidders*; and

**WHEREAS**, by Resolution, the Mayor and Council accepted the bid submitted by Regan Development Corporation in the amount of \$500,000, including a deposit of \$50,000; and

**WHEREAS**, subsequently, Regan Development Corporation has advised that it cannot obtain funding for the current project under the terms set forth in its bid and cannot therefore complete the sale as agreed.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale that the Borough hereby declares Regan Development Corporation in default of its obligations as the highest, responsible bidder under the prior bid for the public sale of Block 1601, Lot 21; and

**BE IT FURTHER RESOLVED** that pursuant to the bid documents, the deposit of \$50,000 submitted by Regan Development Corporation shall be and is hereby forfeited to the Borough; and

**BE IT FURTHER RESOLVED** that the Borough Administrator is hereby authorized and empowered to re-advertise and re-solicit bids for the purchase of the Property in a form substantially similar to the bid specifications attached hereto, which specifications and all material terms stated therein are expressly made a part of this Resolution.

**BE IT FURTHER RESOLVED** that there shall be no minimum bid for the Property, however, the Mayor and Council shall reserve the right to accept the highest bid received or to reject all bids; and

**BE IT FURTHER RESOLVED** that the Mayor and Council may contribute a maximum of \$300,000 from its Affordable Housing Trust Fund for various aesthetic improvements to the development of the Property; and

**BE IT FURTHER RESOLVED** that the successful bidder shall be required to reimburse the Borough for its professional costs and other fees related to the Borough's efforts to develop this Property, up to a maximum of \$200,000.

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

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

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

Meeting was adjourned at 9:29pm

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