

**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.

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 Cudequest	Councilmember LaMonica
Councilmember Ghassali	Councilmember Lane
Councilmember Greco	Councilmember Talarico

Also present: Mayor Roger Fyfe; Borough Attorney, Phil Boggia; Borough Engineer, Paul Neihoff; Borough Administrator/Clerk, Maureen Iarossi-Alwan and Deputy Municipal Clerk, Fran Scordo

PUBLIC HEARING ORDINANCE NO. 2011-1346 AN ORDINANCE AMENDING CHAPTER 68 OF THE CODE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, IN ORDER TO REGULATE THE NOISE RESULTING FROM HORNS, BUZZERS OR WHISTLES DURING SPORTING EVENTS

WHEREAS, the Borough of Montvale current regulates the unnecessary creation of noise from various activities, including noise created as a result of construction activities, motor vehicles, animals and musical activities; and

WHEREAS, the Borough of Montvale is currently silent as to whether noise that is the reasonable result of horns, buzzers, whistles or similar signaling devices used during sporting events is permitted under the existing ordinance; and

WHEREAS, in order to permit the appropriate Borough officials to effectively regulate and control the unnecessary creation of noise in the Borough of Montvale, it is necessary to formally establish a policy as to the use of horns, buzzers, whistles or similar signaling devices used during sporting events.

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

Section 1. Chapter 68 of the Code of the Borough of Montvale, Section 68-1, "Unnecessary noise unlawful," is hereby amended and supplemented by adding the underlined text, as follows:
§ 68-1. Unnecessary noise unlawful.

It shall be unlawful to make, create, cause, suffer, encourage or permit to be made any unnecessary, loud, prolonged or disturbing noise within the limits of the Borough of Montvale. Nothing contained herein shall be construed to limit the use of a horn, buzzer, whistle or similar signaling device from being used for control of a sporting event at any school, athletic field or similar venue, as long as any such signaling device is used solely for the reasonable control of the athletic event, and during the hours set forth in Section 68-2.

Section 2. Chapter 68 of the Code of the Borough of Montvale, Section 68-2, "Enumeration of unnecessary noises," is hereby amended and supplemented by adding the underlined text, as follows:

L. Nothing contained herein shall be construed to limit the use of a horn, buzzer, whistle or similar signaling device from being used for control of a sporting event at any school, athletic field or similar venue, as long as any such signaling device is used solely for the

M. reasonable control of the athletic event. Notwithstanding the foregoing, no such signaling devices shall be permitted for use other than between the following hours:

1. Monday through Thursday: 8:00 a.m. through 9:00 p.m.
2. Friday and Saturday: 8:00 a.m. through 10:00 p.m.
3. Sunday: 9:00 a.m. through 5:00 p.m.

Section 3. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 5. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 6. Effective Date.

This ordinance shall become effective upon adoption and publication as required by law.

Ordinance No. **2011-1346** was introduced for second reading by Councilmember Cudequest; seconded by Councilmember Lane; Clerk read by title only
Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Cudequest – all ayes

NO PUBLIC COMMENT

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

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

PUBLIC HEARING ORDINANCE NO. 2011-1347 ORDINANCE REAPPROPRIATING \$178,649.48 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR IMPROVEMENTS TO THE SANITARY SEWER SYSTEM AND GABION WALLS AND AMENDING ORDINANCE NUMBER 2010-1332 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT AND TO REALLOCATE \$11,785.00 THEREFROM

BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF MONTVALE IN THE COUNTY OF BERGEN, NEW JEREY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$178,649.48 of the proceeds of obligations originally made available pursuant to the following bond ordinances of the Borough of Montvale, in the County of Bergen, New Jersey (the "Borough") are no longer necessary for the various purposes for which the obligations previously were authorized:

Ordinance Number	Improvement Description and Date of Adoption	Amount to be Reappropriated
2003-1201a)	Reconstruction and/or resurfacing of various roads, finally adopted August 12, 2003	\$10,563.87
2003-1201b)	Passive and active recreational and landscaping improvements for the beautification or improvement of the municipal parks, library field, North/South park and New Jersey Transit parking area, finally adopted August 12, 2003	\$143,403.61
2010-1332	Various Road Improvements, finally adopted October 12, 2010	\$24,682.00
	TOTAL	\$178,649.48

Section 2. The \$178,649.48 proceeds described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 are here appropriated to provide for the following project:

Description of New Project	Amount
Improvements to the Sanitary Sewer System and Gabion Walls	\$178,649.48

Section 3. Ordinance numbered 2010-1332 of the Borough, finally adopted October 12, 2010, is hereby amended to reallocate \$11,785.00 (previously reallocated for various road improvements and originally appropriated from General Capital Fund Balance) for improvements to the sanitary sewer system and gabion walls described in Section 2 above, this amount being in addition to the \$178,649.48 made available for this purpose under Section 2 above.

Section 4. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted

capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 5. The improvements or purposes, described in Section 2 and Section 3 herein, were previously authorized by an emergency appropriation previously created by a resolution of the Borough adopted on May 31, 2011. This ordinance shall provide for such emergency appropriation and such emergency appropriation need not be included in next year's budget

Section 6. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance No. **2011-1347** was introduced for second reading by Councilmember Cudequest; seconded by Councilmember Lane; Clerk read by title only
Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Cudequest – all ayes

NO PUBLIC COMMENT

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

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

Councilmember Cudequest asked if we still need this ordinance given the new circumstances

MINUTES:

June 14, 2011

A motion to accept the minutes by Councilmember Cudequest; seconded by Councilmember Talarico – all ayes

RESOLUTIONS:

128-2011 Tax Court Settlement / The Marion O & Maximilian E. Hoffman Foundation / Hoffman BMW Plaza / Block 3302, Lot 2

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed on behalf of The Marion O. and Maximilian E. Hoffman Foundation, Inc. (hereinafter the “Tax Appeal”), under Docket Numbers 008350-2009; 000642-2010, and 002973-2011, and;

WHEREAS, the aforesaid tax appeal concerns an office building located at Hoffman BMW Plaza, and is otherwise referred to as Block 3302 Lot 2 on the tax assessment maps 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 and the Borough Tax Assessor, and;

WHEREAS, the proposed Tax Appeal settlement components are set forth in Schedule “A” attached hereto and made a part hereof, 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 finalized in accordance with the enclosed 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.

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

129-2011 Renew Tri-Borough Fuel Depot Agreement

WHEREAS, the Boroughs of Montvale, Park Ridge and Woodcliff Lake, wish to renew the 2006 Agreement for the Tri-Borough Fuel Depot, copy attached to the original of this Resolution for a five year period of time commencing September 1st, 2011; and

WHEREAS, in addition, the parties to this Agreement wish to add that their diesel fuel will be available to each other in the event of an emergency, with the appropriate municipality being charged for their consumption; and

WHEREAS, the Borough of Montvale agrees to make available its mobile fueling unit for emergency use for fire trucks which are at extended incidents, with the appropriate municipality charged for their consumption.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that it hereby authorizes the renewal of the Tri-Borough Fuel Depot Agreement, for a five year period commencing September 1, 2011 with the additions as noted.

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

130-2011 A Resolution Authorizing Inclusion In The Bergen County Community Development Program

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title 1 of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnership Act of 1990 , as amended; and

WHEREAS, the current Interposol Services Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, by July 8, 2011, each municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS, it is in the best interest of the Borough of Montvale and its residents to participate in said programs; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of Borough of Montvale hereby notifies the Bergen County Division of Community Development of its decision to be included as a participant community in the Urban County entitlement programs being the Community Development Block Grant Program and the HOME Investment Partnership Act Program for the Program Years 2012, 2013, 2014 (July 1, 2012 – June 30, 2015); and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Bergen County Division of Community Development no later than July 8, 2011.

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

131-2011 Authorize Renewal Liquor Licenses/Year 2011-2012

BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, in the County of Bergen, State of New Jersey, that renewal Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club License be granted to the following, said Licenses to be effective June 28, 2011 and to terminate June 30, 2012.

BE IT RESOLVED, that the State of New Jersey, Department of Treasury, Division of Taxation has provided Tax Clearance Certificates for each establishment for this renewal period.

BE IT FURTHER RESOLVED, that these establishments have been inspected by the Board of Health, Fire Prevention Bureau and Police Department of the Borough of Montvale and are in satisfactory condition.

0236-33-004-008 Paluter, Inc., t/a Aldo & Gianni Restaurant, for premises at 108 Chestnut Ridge Road, Montvale, New Jersey.

0236-33-005-007 The Waterfall, Inc., t/a The Porter House for the premises at 125 Kinderkamack Road, Montvale, New Jersey.

0236-33-006-003 Montvale Recreation, Inc., t/a Montvale Recreation Inc. for premises at 14 West Grand Avenue, Montvale, New Jersey.

0236-33-007-003 TPC, Inc., t/a Davey's Locker, for premises at 5 Park Street, Montvale, New Jersey.

0236-31-009-001 Montvale Engine Co. #1, Inc., t/a Montvale Fire Department, for premises at 35 West Grand Avenue, Montvale, New Jersey.

0023-44-001-006 Mo & Sy Corp. t/a Montvale Wine & Spirits, Inc. for premises at 18 South Kinderkamack Road, Montvale, New Jersey

0236-44-002-009 K & S Wine & Liquor t/a K & S for premises at 20 Chestnut Ridge Road, Montvale, New Jersey

0236-36-012-003 South City Prime Montvale, LLC t/a Fire & Oak for premises at 100 Chestnut Ridge Road, Montvale, New Jersey

BE IT RESOLVED, that the Municipal Clerk be and is hereby directed to issue said licenses.

Introduced by: Councilmember Cudequest; seconded by Councilmember LaMonica All eyes

Councilmember Lane asked if there were any notable situations; the administrator stated that the Porterhouse and Davey's Locker both added outside dining and had to submit additional information to their applications to be submitted to the Division of Alcoholic Beverage Control.

132-2011 Award Professional Service Contract/Alternate Public Defender/Pascack Joint Municipal Court

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

WHEREAS, these services are being solicited under the non-fair and open procedures of N.J.S.A. 19:44A-20.4 and -20.5; and

WHEREAS, the Attorney General of the State of New Jersey has advised municipalities that without formal appointment of an alternate municipal prosecutors, the municipality and/or the prosecutor may lose immunity conferred by the New Jersey Municipal Tort Claims Act; and

WHEREAS, there are occasions for an alternate prosecutor; and

WHEREAS, it is the desire of the Pascack Joint Municipal Court to appoint the following individual to the positions of Alternate Prosecutor:

Alternate Prosecutor: Natalia Angeli, Esq.
Botta & Associates, LLC
50 S. Franklin Tpk
Ramsey, NJ 07446

WHEREAS, any compensation to be paid to the Alternate Prosecutor and/or Alternate Public Defender shall be paid by the Prosecutor or Public Defender, as appropriate; 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 this appointment.

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

133-2011 CD Cooperative Agreement/Appointing Two Representatives to Community Development Committee/One Appointment by Mayor/One Appointment by Council

WHEREAS, the Borough of Montvale has entered into a Three-Year Cooperative Agreement with the County of Bergen as provided under the Interlocal Service Act , NJSA 40A:8A-1 et seq. and Title I of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that one Municipal Representative be appointed by the Governing Body of the community and one appointment by the Chief Executive Officer shall be appointed to be part of the Community Development Regional Committee for the term of one year July 1, 2011 through June 30, 2012.

NOW THEREFORE BE IT RESOLVED, that the Governing Body/Chief Executive Officer of the Borough of Montvale appoints representatives as its representative to participate on the Community Development Committee:

COUNCIL APPOINTMENT

Maureen Iarossi-Alwan
12 Mercedes Drive
Montvale, NJ 07645
Phone 201-391-5700 ext. 219

CHIEF EXECUTIVE OFFICER APPOINTMENT

Councilmember Leah LaMonica
12 Mercedes Drive
Montvale, NJ 07645
Phone 201-391-5700

BE IT FURTHER RESOLVED, that the following be appointed alternate representatives:

COUNCIL ALTERNATE APPOINTMENT

Councilmember Theresa Cudequest
12 Mercedes Drive
Montvale, NJ 07645
Phone 201-391-5700

CHIEF EXECUTIVE OFFICER ALTERNATE APPOINTMENT

Councilmember Timothy Lane
12 Mercedes Drive
Montvale, NJ 07645
Phone 201-391-5700

Home addresses and home phone numbers will be provided under separate cover.

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

BILLS: Municipal Clerk read the Bill Report

Motion to pay bills by Councilmember Lane; seconded by Councilmember Ghassali All ayes
Councilmember Cudequest abstained for bill #01335

ENGINEER'S REPORT:

Paul Niehoff
Report/Update

a. Report Gabion Wall Proposals & Sanitary Sewer Repair/Recommendation

Due to recent rain events, the gabion wall washed away. Main concern is to repair the sanitary sewer line; Bids will be amended to reflect the repair of the sanitary sewer; due to the emergency and permit issued by the DEP bids are due by Thursday, June 30 at Noon.

A motion to have administrator award lowest bidder by Councilmember Lane; seconded by Councilmember Greco – all ayes

b. Report Receipt of Bids Montvale Firehouse Roof Replacement/Recommendation

Recommends Built Rite LLC to replace a portion approx \$31,000

c. General Construction & Emergency Repairs/Sanitary Sewer Pump Station

Open Ended

Received one bid Rapid Pump – recommends Rapid Pump

A motion to award contract to Rapid Pump by Councilmember Greco; seconded by LaMonica – all ayes

ATTORNEY REPORT:

Phillip Boggia, Esq.
Report/Update

a. Legal Review & Recommendation/General Construction & Emergency Repairs/Sanitary Sewer Pump Station

Concur with the recommendations from Maser Consulting

b. Legal Review & Recommendation/ Montvale Firehouse Roof Replacement

Concur with the recommendations from Maser Consulting

UNFINISHED BUSINESS:

a. Capital Budget Items Further Reviewed/Discussion/CMFO/K. Sesholtz to Attend
Approx 1.75Million in capital budget items

NEW BUSINESS:

a. Mayor Appointment Committee Members/Review Receipt of Proposals For/Architectural Services/Preparation/Cost Estimate/Risk/Benefit Analysis Repair/Rehabilitation/Removal/Replacement/Montvale Fire Station

The committee will consists of Councilmember Lane, Councilmember Ghassali, Fire Chief Miller, the attorney, engineer and administrator.

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 Talarico – all ayes

Michael Falk, 77 Akers Ave

Wanted to know if Mr. Boggia would like to comment about news article written about doubling billing; Mr. Boggia stated that the person that wrote the article was a candidate that ran for office in Edgewater and was unsuccessful and that Mr. Boggia replaced the attorney of Edgewater. Mr. Falk asked about if there is an update with the DePiero's property.

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

Motion to adjourn by Councilmember Lane; seconded by Councilmember Talarico All ayes

ADJOURNMENT

Meeting adjourned at 8:25pm

The next Meeting of the Mayor and Council will be held on July 12, 2011 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk