

**PUBLIC MEETING  
MINUTES**

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:30 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, Phil Boggia; Clerk/Administrator, Maureen Iarossi-Alwan; and Deputy Municipal Clerk, Fran Scordo

**ROLL CALL:**

Councilmember Cudequest	Councilmember LaMonica – via telephone
Councilmember Ghassali	Councilmember Lane
Councilmember Greco - absent	Councilmember Talarico - absent

**ORDINANCES:**

**PUBLIC HEARING ORDINANCE NO. 2011-1348** BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$2,100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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

The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Montvale, in the County of Bergen, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$2,100,000, and including the aggregate sum of \$100,000 as the several down payments for the improvements or purposes required by the Local Bond. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,000,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

**BOROUGH OF MONTVALE****AUGUST 9, 2011**

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) <u>Fire Department</u> : Acquisition of portable radios and self contained breathing apparatus equipment, including all materials and apparatus necessary therefor and incidental thereto.	\$224,000	\$213,333	10 years
b) <u>Fire Department</u> : Installation of a new roof on the Fire House, including all work and materials necessary therefor and incidental thereto.	\$47,000	\$44,761	20 years
c) <u>Police Department</u> : Acquisition of portable radios, including all materials and apparatus necessary therefor and incidental thereto.	\$15,000	\$14,285	10 years
d) <u>Police Department</u> : Acquisition of utility vehicle, including all materials and apparatus necessary therefor and incidental thereto.	\$29,000	\$27,619	5 years
e) <u>Sewer Utility</u> : Improvements to the sanitary sewer system and gabion walls, including all work and materials necessary therefor and incidental hereto.	\$100,000	\$95,239	40 years
f) <u>Department of Public Works</u> : Acquisition of a utility vehicle, including all materials and apparatus necessary therefor and incidental thereto.	\$29,000	\$27,619	5 years
g) <u>Department of Public Works</u> : Class A building consisting of a salt storage shed, including all work and materials necessary therefor and incidental thereto.	\$294,000	\$280,000	40 years
h) <u>Department of Public Works</u> : Replacement of headwall and culvert at Huff Terrace, including all work and materials necessary therefor and incidental thereto.	\$135,000	\$128,576	40 years
i) <u>Department of Public Works</u> : Replacement of overhead garage door and resurface garage floor, including all work and materials necessary therefor and incidental thereto.	\$23,000	\$21,904	10 years
j) <u>Department of Public Works</u> : Replacement of a truck body and acquisition of a snow plow, including all materials and apparatus necessary therefor and incidental thereto.	\$59,000	\$56,189	5 years
k) <u>Department of Public Works</u> : Road improvements, as more fully described on a list on file in the Office of the Clerk, which list is hereby incorporated by reference as if set forth at length, including all work and materials necessary therefor and incidental thereto	<u>\$1,145,000</u>	<u>\$1,090,475</u>	20 years
TOTAL:	<u>\$2,100,000</u>	<u>\$2,000,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

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.

The following additional matters are hereby determined, declared, recited and stated:

- (a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Borough may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 22.95 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,000,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$750,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough.

The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

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

Ordinance No. **2011-1348** 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 Ghassali - all ayes

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

**MEETING OPEN TO PUBLIC:**

Agenda Items Only

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

**NO PUBLIC COMMENT**

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

**MEETING CLOSED TO PUBLIC:**

Agenda Items Only

**MINUTES:**

July 26, 2011

A motion to approve minutes by Councilmember Ghassali; seconded by Councilmember Cudequest - all ayes

**RESOLUTIONS:**

**145-2011 Tax Court Settlement / 10 Candlelight Drive / Scott Kennis**

**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 Scott Kennis (hereinafter the "Tax Appeal"), under Docket Numbers 010145-2010 and \_\_\_\_\_-2011 (not issued yet), and;

**WHEREAS**, the subject property is located at 10 Candlelight Drive, and is otherwise identified as Block 902 Lot 8 on the Tax Assessment maps of the Borough, 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 would adjust the 2010 and 2011 tax assessment of the subject property from \$1,349,200 to \$1,199,200, 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 is hereby approved, and;

**BE IT FURTHER RESOLVED** that with respect to same, the Mayor, Borough Administrator, Borough Attorney and/or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purpose set forth in this Resolution.

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

**146-2011 Award Competitive Bidding Contract/Replacement Montvale Firehouse Roof Build Rite, LLC**

**WHEREAS**, the Borough of Montvale has a need for construction services for the replacement of the roof on the Montvale Firehouse; 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 "Roof Replacement at Borough Firehouse," issued in May, 2011; and

**WHEREAS**, in response to said solicitation, three bids were received, in the amounts of \$31,190, \$34,919, and \$38,450; and

**WHEREAS**, the lowest bid of \$31,190 was submitted by Build Rite, LLC, maintaining offices at 16 Darlington Drive, Wayne, New Jersey; and

**WHEREAS**, said bid was within the funds allocated for this project; 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.

**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 to Build Rite, llc, for the sum of \$31,190, consistent with its bid and the bid specifications;

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

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

**147-2011 One Year Final Extension/Snow/Ice Removal/Downes/Tree Service**

**WHEREAS**, the Mayor and Council of the Borough of Montvale advertised for sealed bids for a project entitled: Removal of Snow & Ice in 2009

**WHEREAS**, the a contract was awarded to Downes, Tree Service via Resolution No. 160-2009 on November 24<sup>th</sup>, 2009 (attached); and

**WHEREAS**, the Department of Public Works Superintendent had requested and made the recommendation to the Mayor and Council as per the original bidding specifications to extend this contract for (1) one year as permitted on page 4 of the bid specifications; and

**WHEREAS**, the contract was extended via Resolution No. 55-2011 on February 8, 2011(attached); and

**WHEREAS**, the Department of Public Works Superintendent has requested and made the recommendation to the Mayor and Council as per the original bidding specifications to extend this contract for this final (1) one year term as permitted on page 4 of the bid specifications; and

**WHEREAS**, Downes Tree Service, Inc. has met all the conditions for the extension of said snow plowing and removal contract with the Borough of Montvale; and

The Contract price shall be extended with no increase for a total amount of \$1085.00;

A per hour for ALL equipment with operators as listed in the contract (see attached).

The Equipment and Operators used by Downes Tree Service shall be determined by the Department of Public Works Superintendent.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey as follows: The Mayor and Council does hereby extend this contract to Downes Tree Service, Inc., 65 Royal Avenue, Hawthorne, New Jersey until December 31, 2012; and

**BE IT FURTHER RESOLVED** the Municipal Finance Officer certifies funds have been appropriated and will be appropriated in the 2012 Municipal Budget for said service funds certification is attached to the original of this resolution.

Introduced by: Councilmember Lane; seconded by Councilmember Ghassali All ayes  
Councilmember Lane asked for clarification; Mayor Fyfe explained this can only be extended for one more year according to the contract. For snow and ice removal.

**148-2011 Revision/Clarification/Resolution13-2011/48 Hr. Deposit Rule/Cash Receivables**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, N.J., that all monies collected by any Borough Official or Employee of the Borough of Montvale, N.J. shall be turned over to the Borough Treasurer, in full, within forty-eight (48) hours, without any fees being deducted; and

**BE IT RESOLVED**, the Tax Collector or Borough Treasurer shall deposit funds collected within forty-eight (48) hours, as required by law; and

**BE IT RESOLVED**, all cash receivables will be posted and recorded; and

**BE IT FURTHER RESOLVED**, that any fees to which any Borough Official or Employee is entitled shall be set forth in detail on a regular Borough Voucher and presented for payment in the same manner as all bills are submitted.

Introduced by: Councilmember Lane; seconded by Councilmember Cudequest All ayes  
Administrator gave a brief explanation due to the new checklist regulations by the State, resolution 13-2011 needed to state the wording "as required by law".

**149-2011 Tax Court Settlement/Condominium Units/Rolling Ridge/Rustic Circle**

**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 Bel Sher Realty II, Co. (hereinafter the "Tax Appeal"), under Docket Number 002007-2010, and;

**WHEREAS**, the aforesaid tax appeal consists of multiple condominium units located on Rolling Ridge Road and Rustic Circle, and are otherwise referred to as Block 2903 Lots 7.07, 6.27, 7.00, 6.04, 7.06, 7.01, 7.03, 6.81, 6.79, 6.75, 6.73, 6.71, 6.49, 6.50, 6.46, 6.39, 6.40, 6.43 and 6.53, and Block 2904 Lots 1.57, 1.51, 1.21, 1.59, 1.49, 1.47, 1.37, 1.23, 1.11, 1.22, 1.14, 1.02, 1.08, 1.18, and 1.20 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, Borough 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 Cudequest 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 on bill #00502 and #01335;

Councilmember Ghassali asked for clarification on page 37 payment for \$590 for a printer; the administrator explained it was to replace a six year old printer in the tax assessor's office with a color one.

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

**COMMITTEE REPORTS:**

**Councilmember Ghassali**

Local School Board

Seeking to seek a position of a board member due to the resignation of Frank Campana

Admin

Tax bills were mailed; tax rate is 1.681; county portion is 12%, school portion 62% and municipal portion is 25%; would like to thanked the senior club members who helped folding and stuffing of the envelopes for the tax bills; it was greatly appreciated;

The new website has a few changes to be made and will be ready for council approval in September.

**Councilmember Lane**

Planning Board

The Del Ben application is towards the end of its hearings;

Fire Dept

27 Fires; 2 drills and 3 extra credits

Had a number of significant fires in July; car fire, an electrical fire, and a house fire; due to the extreme heat Tri-boro ambulance made sure the firefighters received the help and assistance that was needed.

Two homeowners and two firefighters were sent to the hospital. Chief Miller wanted to thank the Montvale Police Dept especially Officers McDowell, Hanna and Ten Broeck;

**Councilmember Cudequest**

NO REPORT

**Mayor Fyfe reported for Councilmember LaMonica**

Chamber of Commerce

Two new members, Pentax and Oritani; attended the ribbon cutting of Pentax; Discussion of next year street fair has been, which the expansion of the children section. Borough Artist Carol McDonald donated \$500 of proceeds of t-shirt sale towards the scholarship fund

Seniors

Held an event on July 23<sup>rd</sup> with the band "Work in Progress" ; more events like this are planned in an effort to keep our seniors busy and to promote membership

Montvale Remembrance of Sept 11<sup>th</sup> will begin at 5:30pm with a solemn march from the firehouse to the memorial in the north park, speeches by the Mayor, Fire Chief and Police Chief, singing of the national anthem; corporate donations by Mercedes Benz and KPMG

Transit Initiative

Busing will begin November 1<sup>st</sup>, 2011; on Sept 7<sup>th</sup>, Kathy Donovan will sign the documents to begin the details and the scheduling of the bus service from Ridgewood and Allendale train stations as well as service in the Tri-Boro community.

**Mayor Fyfe**

**Library**

Circulation for July was 16,192; patron visits 7,729; there is a few more weeks left to donate slightly used and unwanted books, cd's and dvd's for the Friends of the Library Book Sale in September.

The Mayor thanked Scott Foreman for his help with going to the corporations to seek funding for the My Montvale Newsletter.

At last meeting it was mention that the Tennessee Gas will be spraying and doing vegetation control – now Orange and Rockland will be doing the same.

**ENGINEER'S REPORT:**

Andrew Hipolit

Report/Update

- a. Letter dated 8/1/11/W. Gordon/Re: Retaining Wall

Mr. Gordon a resident at 87 Upper Saddle River Road is requesting to replace a retaining wall that is in Montvale's right of way; a motion to allow by Councilmember Lane; seconded by Councilmember Cudequest – all ayes

- b. Apply For Firehouse Grant

Applied for a firefighter's grant last year; would like authorization to apply again; a motion by Councilmember Lane; seconded by Councilmember Cudequest – all ayes

- c. Bergen County Open Space Recreational Grant

This grant is available to apply for replacement of portion of the turf field and upgrades to handicap accessibility; a motion by Councilmember Cudequest; seconded by Councilmember Lane – all ayes

- d. DOT local aid grants for roadways and bike paths

Will supply information for next meeting

**ATTORNEY REPORT:**

Phillip Boggia, Esq.

Report/Update

- a. Proposed Draft Ordinance: Regulating Use Of Recycling Center

Made modifications – to address some concerns about commercial vehicles using the center; will have it ready for introduction at next meeting

**UNFINISHED BUSINESS:**

- a. Update September 11<sup>th</sup> Remembrance Ceremony

Refer to Councilmember LaMonica's report

- b. RFP for Firehouse Proposals

The proposals did not follow the request of the borough so it in the best interest of the borough to decline all proposals, will make the modifications and get new proposals.

**NEW BUSINESS:**

a. Request for Question on November Ballot / Twp of Washington / Improvement Project for Garden State Parkway Exit 171 – Right Hand Turn Lifted

It is a request for Woodcliff Lake to put a question on the ballot in the upcoming election.

Motion to open meeting to the public by Councilmember Ghassali; seconded by Councilmember Cudequest - 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.

**Tom Sullivan, 43 Woodland Road**

Ask for a list of the capital improvements; thanked everyone for the paving of Woodland Road.

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

All ayes

**MEETING CLOSED TO THE PUBLIC:**

Motion to adjourn Public Meeting by Councilmember Lane; seconded by Councilmember Ghassali

- all ayes

Meeting was adjourned at 8:05pm

**ADJOURNMENT:**

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

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