

**MINUTES  
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:40pm. 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 - absent
Councilmember Ghassali	Councilmember Lane
Councilmember Greco	Councilmember Talarico

Also present: Mayor Roger Fyfe; Borough Attorney, Joe Voytus; Borough Engineer, Andy Hipolit; Borough Administrator/Clerk, Maureen Iarossi-Alwan and Deputy Municipal Clerk, Fran Scordo

**MINUTES**

September 27, 2011

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

**RESOLUTIONS:**

**186-2011 Authorize Contract Extension/Towing Services/Bergen Brookside**

**WHEREAS**, in 2009, after duly advertising for and receiving public bids, the Borough of Montvale (the "Borough") entered into a contract with Bergen Brookside Auto Body and Towing (the "Contractor") to perform towing services in the Borough for the years 2010 and 2011; and

**WHEREAS**, said contract provided that the Borough and the Contractor were entitled to extend said contract for either one (1) two-year extension or two (2) one-year extensions, consistent with the provisions of the *Local Public Contracts Law, N.J.S.A. 40A:11-15*; and

**WHEREAS**, the Borough and the Contractor are desirous of extending the current contract for an additional two (2) years, pursuant to *N.J.S.A. 40A:11-15*; and

**WHEREAS**, said statute provides that such extensions must be exercised by Resolution of the Governing Body upon a finding that the services provided are being performed in an effective and efficient manner; and

**WHEREAS**, Maureen Iarossi-Alwan, Borough Administrator and Clerk, has attested that the Contractor is in fact performing said services in an effective and efficient manner; and

**WHEREAS**, the yearly price of the contract shall remain the same, and all other terms and conditions shall remain substantially the same, pursuant to *N.J.S.A. 40A:11-15*; and

**WHEREAS**, the Chief Financial Officer has provided a certification of available funds for this contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council hereby authorize a two-year extension to the above contract to the following contractor:

Bergen Brookside Auto Body and Towing  
83 Zabriskie Street  
Hackensack, New Jersey 07601

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk hereby authorized to execute an amendment to the above-mentioned agreement in order to effectuate the provisions of this Resolution, subject to approval by the Borough Attorney.

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

**187-2011 Bergen County Tax Court Settlement / 14 Hemlock Street**

**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 Mark Linder & Hyun Joo (hereinafter the "Tax Appeal"), under Appeal Number 36-1100122L, and;

**WHEREAS**, the subject property is located at 14 Hemlock Street, and is otherwise identified as Block 807 Lot 9 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 2011 and 2012 tax assessment of the subject property from \$654,400 to \$575,000, 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 a refund in the amount of \$1,334.71 be made payable to Mark Linder, c/o John R. Lloyd, Esq, Nowell Amoroso Klein Bierman PA 155 Polifly Road, Hackensack, NJ 07601;

**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 Greco; seconded by Councilmember Cudequest All ayes

**188-2011 Bergen County Tax Court Settlement / 7 Pine View Terrace**

**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 Peter & Dolores Kinder (hereinafter the "Tax Appeal"), under Appeal Number 36-1100121L, and;

**WHEREAS**, the subject property is located at 7 Pine View Terrace, and is otherwise identified as Block 607 Lot 4 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 2011 and 2012 tax assessment of the subject property from \$590,100 to \$563,000, 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 a refund in the amount of \$455.55 be made payable to Peter Kinder, c/o John R. Lloyd, Esq, Nowell Amoroso Klein Bierman PA 155 Polifly Road, Hackensack, NJ 07601;

**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 Greco; seconded by Councilmember Cudequest All ayes

**189-2011 Authorize Release of Two Year Maintenance Bond/DeBeaute Full Service Salon  
103 Chestnut Ridge Road**

**WHEREAS**, DeBeaute Full Service Salon LLC is requesting a release in their Maintenance Bond; and

**WHEREAS**, a completed inspection of the site has been conducted by Andrew Hipolit, Borough Engineer, which recommends said release of the Maintenance Bond in a letter dated September 22, 2011 which is attached to the original of this resolution; and

**WHEREAS**, DeBeaute Full Service Salon LLC's two year Maintenance Bond is in the amount of \$51,000.00 all remaining escrow will be held until all professional billings have been paid; and

**BE IT FURTHER RESOLVED**, that the Treasurer is hereby authorized to release \$51,000.00 to DeBeaute Full Service Salon, LLC, 103 Chestnut Ridge Road, Montvale, NJ 07645

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Montvale that DeBeaute Full Service Salon LLC shall receive a copy of this resolution.

Introduced by: Councilmember Greco; seconded by Councilmember Cudequest  
All ayes with the exception of Councilmember Lane – no

**190-2011 Bergen County Tax Court Settlement / 82 Upper Saddle River Road**

**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 Stanislaw Rzeszutek (hereinafter the "Tax Appeal"), under Appeal Number 36-1100111L, and;

**WHEREAS**, the subject property is located at 82 Upper Saddle River Road, and is otherwise identified as Block 204 Lot 11 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 2011 and 2012 tax assessment of the subject property from \$981,200 to \$625,000, and;

**WHEREAS**, the adjustment created an over payment in taxes for the year 2011; under Statute 54:3-27.2, the taxing district shall refund excess taxes paid, together with interest thereon from the date of overpayment at a rate of 5% per annum, 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 a refund in the amount of \$1,752.68 be made payable to Stanislaw Rzeszutek, 82 Upper Saddle River Road, Montvale, NJ 07645; 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 Greco; seconded by Councilmember Cudequest All ayes

**191-2011 A Resolution Authorizing Primeflex Administrative Services, LLC As Administrator  
of the Municipality's Section 125- Flexible Spending Account In Accordance With  
Regulations Promulgated by Chapter 78 of the Laws of the State of NJ**

**WHEREAS**, the Borough of Montvale (hereinafter, the municipality) provides an Employee Health Benefits Program for eligible employees and their eligible dependents; and

**WHEREAS**, Chapter 78 of the laws of the State of New Jersey requires public entities to implement a Section 125 - Flexible Spending Accounts (FSA's) program in accordance with the rules promulgated by the United States Internal Revenue Service; and

**WHEREAS**, the Municipality's Benefits Consultant has performed due diligence and researched

the marketplace for firms specializing in the administration of FSA's and developed a due diligence compliance report which quantifies the services provided by each potential firm, such work product made a part of this Resolution.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, in accordance with the due diligence performed by the Municipal Administrative Team and the Municipal Benefits Consultant, the firm of PRIMEFLEX ADMINISTRATIVE SERVICES, LLC is hereby appointed as Administrator for the Municipality's Section 125 - Flexible Spending Account, effective upon passage of this Resolution for a January 1, 2012 effective date; and

**BE IT FURTHER RESOLVED**, the Administrator/Municipal Clerk is hereby authorized to execute all documents necessary for the implementation; and

Introduced by: Councilmember Greco; seconded by Councilmember Lane All ayes  
Councilmember Cudequest asked for clarification; the administrator explained, this is part of the state's requirement when offering health benefits to public employees.

**192-2011 Bergen County Tax Court Settlement / 66 Erie Avenue**

**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 James M. Leone (hereinafter the "Tax Appeal"), under Appeal Number 36-1100377L, and;

**WHEREAS**, the subject property is located at 66 Erie Avenue, and is otherwise identified as Block 804 Lot 13 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 2011 and 2012 tax assessment of the subject property from \$464,300 to \$395,000, 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 a refund in the amount of \$1,164.93 be made payable to Beattie Padovano Trust Account, c/o Beattie Padovano, LLC 50 Chestnut Ridge Road, Suite 208, Montvale, NJ 07645, Attn: A DeVecchio;

**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 Talarico All ayes  
with Councilmember Ghassali abstained  
Councilmember Ghassali ask about items being added at the last minute, is it legal to do so; the administrator stated there is no state law that prohibits items for being added to the agenda at the last minute.

**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 #00125

**ENGINEER’S REPORT:**

Andrew Hipolit  
Report/Update

- a. Update NJDOT/Fiscal Year 2012 Federal Aid Safe Routes To School Program/Grant Initiative/SVR to Summit Ave

Mr. Hipolit suggested the sidewalk along Spring Valley Road from the high school to Summit Ave to be considered; it must be submitted by December 31<sup>st</sup>; the borough should contact the BOE first to see if they support this and maybe they can suggest other sidewalks that would qualify for the grant; the engineer stated that he would need a resolution by the first meeting of December;

- b. Update / 2011 Road Improvement Program / Receipts of Bids

Received 5 bids and Smith-Sondy was the lowest responsible bidder with a price of \$516,095  
All Councilmembers agreed to move forward with the project;

**193-2011 Award Contract / 2011 Road Improvement / Smith-Sondy Asphalt Construction Co., Inc.**

**WHEREAS**, the Borough of Montvale has a need for services in connection with the 2011 Road Improvement 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 “2011 Road Improvement Project” with bids due on October 20, 2011; and

**WHEREAS**, said solicitation requested bids for a Base Bid plus Alternates A, B, C, D, E and F; and

**WHEREAS**, in response to said solicitation, five bids were received; and

**WHEREAS**, the Borough Engineer, in consultation with the DPW Superintendent, has determined that the proper scope of work for this project, in light of the funds available, should include the Base Bid plus Alternates A, B, C, D and E; and

**WHEREAS**, the lowest bid for the Base Bid plus Alternates A, B, C, D and E was submitted by Smith-Sondy Asphalt Construction Co., Inc., maintaining offices at 150 Anderson Avenue, Wallington, New Jersey, in the amount of \$516,095.00; and

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

**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:

<b>Bidder</b>	<b>In the amount of:</b>
Smith-Sondy Asphalt Construction Co., Inc.	Base Bid: \$293,315.25
150 Anderson Avenue	Alternate A: \$14,500.00
Wallington, New Jersey 07057	Alternate B: \$7,668.50
	Alternate C: \$55,000.00
	Alternate D: \$88,455.00
	Alternate E: \$57,156.25
	<b>TOTAL \$516,095.00</b>

**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 Greco; seconded by Councilmember Cudequest All ayes  
Councilmember Ghassali abstained

**ATTORNEY REPORT:**

Joe Voytus, Esq.  
Report/Update

- a. Draft Ordinance/Tree Removal & Emergency Tree Removal

The attorney explained that the ordinance on the record needed to be revised because of outdated material contained in the ordinance;

**UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

- a. Insurance Update: PIA – Professional Insurance Associates/F. Covelli Overview Insurance Liability/Title 59/Trees/Right of Ways/Easements/Borough Property/Private Property/Within The Borough of Montvale

The more the municipality gets involved the more likely the borough will be liable

- b. Bergen County Joint Insurance Fund Annual Insurance Report/PIA/Frank Covelli  
Report included with original minutes

- c. The Senior Community Center

Mayor Fyfe asked Mr. Covelli if alcohol would be allowed at the senior center; Mr. Covelli stated that alcohol is prohibited on municipal property and if an exception was made then the municipality would be liable.

**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 Greco – all ayes

**Michael Falk, 77 Akers Ave**

Asked if someone can look into the lighting at the field being on Sunday nights; Is there an update with DePieros' Farm; and asked for clarification on the appeals.

**Chuck Taut, 27 Hillcrest Ave**

Notice that Montvale is registered with Sustainable NJ and wanted some clarification; the administrator stated that the majority of work has been completed and the borough is waiting for someone to come and certify the borough; Questioned that the Environmental Commission minutes are not current; Councilmember Cudequest stated that some meetings have been cancelled , therefore, some of the minutes have not been approved;

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

Motion to adjourn by Councilmember Lane; seconded by Councilmember Cudequest - All ayes

**ADJOURNMENT**

Meeting adjourned at 9:02pm

The next Meeting of the Mayor and Council will be held on November 29, 2011 at 7:30 p.m.

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