

**PUBLIC MEETING
MINUTES**

The Public 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. Mayor Fyfe led the Pledge of 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: Borough Attorney, Phil Boggia, Esq.; Borough Engineer, Andrew Hipolit; Administrator/Municipal Clerk, Maureen Iarossi-Alwan; and Deputy Municipal Clerk, Fran Scordo

ROLL CALL:

| | |
|-------------------------|---------------------------------|
| Councilmember Cudequest | Councilmember LaMonica - absent |
| Councilmember Curry | Councilmember Lane |
| Councilmember Ghassali | Councilmember Talarico |

Swearing In Montvale Probationary Police Officers:

Herminio Amado
Brian Lamendola

Presentation: Gale Mangold/Hills/Valley Coalition/ A Community Coalition For Resilient Youth

ORDINANCES:

INTRODUCTION: ORDINANCE NO. 2012-1350 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 128, ZONING, OF THE BOROUGH OF MONTVALE CODE IN ORDER TO ELIMINATE THE “SED” SPECIALIZED ECONOMIC DEVELOPMENT DISTRICT AND IMPLEMENT A NEW “OR-4” OFFICE AND RESEARCH DISTRICT, TO ESTABLISH THE STANDARDS THEREOF AND TO IMPLEMENT CHANGES AND REVISIONS CONSISTENT WITH THE MASTER PLAN

A motion to Introduce Ordinance **2012-1350** for first reading was made by Councilmember Curry; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and advertised, in full, in *The Ridgewood News*; seconded by Councilmember Cudequest
Roll call vote was taken – all ayes

Richard Priess, Borough Planner gave an explanation as to need to for the change

INTRODUCTION: ORDINANCE NO. 2012-1351 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 121 OF THE BOROUGH CODE AND ESTABLISHING A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM

A motion to Introduce Ordinance **2012-1351** for first reading was made by Councilmember Curry; seconded by Councilmember Cudequest; Clerk read by title only;

Councilmember Lane made a motion that this ordinance be passed on first reading and advertised, in full, in The Ridgewood News; seconded by Councilmember Talarico
Roll call vote was taken – all ayes with the exception of Councilmember Lane - No

Councilmember Ghassali asked for clarification as to where the cameras will go

INTRODUCTION: ORDINANCE NO. 2012-1352 AN ORDINANCE TO AMEND ORDINANCE NO. 2011-1339 TO PROVIDE FOR AND DETERMINE THE RATE, AMOUNT AND METHOD OF PAYMENT OF COMPENSATION TO PERSONS HOLDING CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF MONTVALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY

A motion to Introduce Ordinance **2012-1352** for first reading was made by Councilmember Curry; seconded by Councilmember Cudequest; Clerk read by title only;
Councilmember Lane made a motion that this ordinance be passed on first reading and advertised, in full, in The Ridgewood News; seconded by Councilmember Talarico
Roll call vote was taken – all ayes

MEETING OPEN TO PUBLIC:

Agenda Items Only

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

NO PUBLIC COMMENT

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

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

December 27, 2011

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

Sine Die January 3, 2012

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

Re-Organization Meeting January 3, 2012

A motion to accept minutes by Councilmember Curry; seconded by Councilmember Lane – all ayes

RESOLUTIONS:

22-2012 Appointment Andrew P. Fedick/Permanent Montvale Police Officer

WHEREAS, Andrew P. Fedick has successfully completed a twelve (12) month probationary period; and

WHEREAS, Chief Abrams has recommended Officer Fedick for permanent appointment.

NOW, THEREFOR BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey that Andrew P. Fedick is hereby permanently appointed to the Montvale Police Department, effective January 5, 2012.

Introduced by: Councilmember Cudequest; seconded by Councilmember Talarico - All ayes

23-2012 Appointment David A Ten Broeck/Permanent Montvale Police Officer

WHEREAS, David A Ten Broeck has successfully completed a twelve (12) month probationary period; and

WHEREAS, Chief Abrams has recommended Officer Ten Broeck for permanent appointment.

NOW, THEREFOR BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey that David A Ten Broeck is hereby permanently appointed to the Montvale Police Department, effective January 5, 2012.

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

24-2012 Appointment Jon E. Umanzor/Permanent Montvale Police Officer

WHEREAS, Jon E. Umanzor has successfully completed a twelve (12) month probationary period; and

WHEREAS, Chief Abrams has recommended Officer Umanzor for permanent appointment.

NOW, THEREFOR BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey that Jon E. Umanzor is hereby permanently appointed to the Montvale Police Department, effective January 5, 2012.

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

25-2012 Award Contract Valley Health Medical Group/Random Drug & Alcohol Testing

BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, in the County of Bergen, State of New Jersey, that the Mayor and Municipal Clerk be authorized to execute a contract between Valley Health Medical Group, Valley Health WorkPlace Connection, 15 Essex Road, Suite 504, Paramus, NJ 07652 for the period of January 1, 2012 to December 31, 2012 to coordinate CDL Random Drug and Alcohol Program and Testing.

Introduced by: Councilmember Cudequest; seconded by Councilmember Talarico - All ayes

26-2012 Award Professional Service Contract/Borough Attorney/Boggia & Boggia

WHEREAS, the Borough of Montvale has a need to acquire Attorney Services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5*; and,

WHEREAS, Boggia & Boggia, 71 Mt. Vernon Street, Ridgefield Park, NJ 07660 were appointed at the Re-organization Meeting of the Governing Body on January 3, 2012; and

WHEREAS, the anticipated term of this contract is for 1 year; and

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

WHEREAS, Philip Boggia, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that he 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 Philip Boggia, Esq. from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:111 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the Contract itself must be available for public inspection;

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

1. The Mayor and Municipal Clerk of the Borough of Montvale are hereby authorized and directed to execute the attached Contract with Durkin & Boggia.
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services are to be performed by a person authorized by law to practice a recognized profession.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. A Notice of this action shall be printed once in the official newspaper of the Borough.

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

27-2012 Award Professional Service Contract/Borough Auditor/Lerch, Vinci & Higgins

WHEREAS, the Borough of Montvale has a need to acquire Auditor Services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5*; and,

WHEREAS, Lerch, Vinci & Higgins, LLP, 17-17 Route 208, Fair Lawn, NJ 07410 were appointed at the Re-organization Meeting of the Governing Body on January 3, 2012; and

WHEREAS, the anticipated term of this contract is for 1 year; and

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

WHEREAS, Lerch, Vinci & Higgins, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that he 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 Lerch, Vinci & Higgins, LLP from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:111 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the Contract itself must be available for public inspection;

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

1. The Mayor and Municipal Clerk of the Borough of Montvale are hereby authorized and directed to execute the attached Contract with Lerch, Vinci & Higgins
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services are to be performed by a person authorized by law to practice a recognized profession.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. A Notice of this action shall be printed once in the official newspaper of the Borough of Montvale.

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

28-2012 Award Professional Service Contract/Borough Engineer/Maser Consulting

WHEREAS, the Borough of Montvale has a need to acquire Engineering Services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5*; and,

WHEREAS, Maser Consulting P.A., 200 Valley Road, Mount Arlington, NJ 07856 were appointed at the Re-organization Meeting of the Governing Body on January 3, 2012; and

WHEREAS, Andrew R. Hipolit, shall be designated as Principal In Charge for all services provided to the Borough of Montvale, and

WHEREAS, the anticipated term of this contract is for 1 year; and

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

WHEREAS, Maser Consulting. has completed and submitted a Business Entity Disclosure Certification which certifies that he 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 Maser Consulting from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (*N.J.S.A. 40A:111 et seq.*) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the Contract itself must be available for public inspection;

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

1. The Mayor and Municipal Clerk of the Borough of Montvale are hereby authorized and directed to execute the attached Contract with Maser Consulting.

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

3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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

Introduced by: Councilmember Cudequest; seconded by Councilmember Curry - All ayes

29-2012 Award Professional Service Contract/Borough Planner/Phillips,Preiss & Grygiel, LLC

WHEREAS, the Borough of Montvale has a need to acquire Municipal Planner as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5*; and,

WHEREAS, Phillips, Preiss & Shapiro were appointed at the Re-organization Meeting of the Governing Body on January 3 2012; and

WHEREAS, it is the desire of the Mayor and Borough Council to appoint Richard P. Preiss of the planning firm of Phillips, Preiss & Shapiro, 33-41 Newark Street, Hoboken, NJ 07030 for planning services for the Borough for this period; and

WHEREAS, the anticipated term of this contract is for 1 year; and

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

WHEREAS, Phillips, Preiss & Shapiro has completed and submitted a Business Entity Disclosure Certification which certifies that he 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 Phillips, Preiss & Shapiro from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (*N.J.S.A. 40A:111 et seq.*) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the Contract itself must be available for public inspection;

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

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

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

30-2012 Awarding Extended Service Contract / Agreement Tri-State Technical Services/Computers & Peripherals

WHEREAS, the Borough of Montvale requires professional computer services and an extended service agreement for the computers and peripherals for the period January 1, 2012 through December 31, 2012; 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.

NOW, THEREFORE BE IT RESOLVED by the Borough of Montvale as follows:

That a contract for professional computer services for an Extended Service Agreement for Computers and Peripherals dated January 1, 2011 which is attached and made part of this resolution be awarded to Tri-State Technical Computer Services, Inc., of 442 Lafayette Avenue, Hawthorne, New Jersey 07506 in the amount of \$7,495.00 for the period January 1, 2012 through December 31, 2012, as described in the Service Agreement;

WHEREAS, the Certified Municipal Finance Officer has provided funds to be available subject to the adoption of the year 2012 Municipal Budget; and

BE IT FURTHER RESOLVED that a copy of this resolution be published in The Ridgewood News, be on file, available for public inspection, in the office of the Municipal Clerk, 12 Mercedes Drive, Montvale, NJ 07645.

Introduced by: Councilmember Lane; seconded by Councilmember Talarico - All ayes
Councilmember Cudequest asked for clarification as to the service; the administrator stated this contract is for our IT technician Dino George

31-2012 Appointment F/T Administrative Floating Position/D. Rowland

WHEREAS, the Borough of Montvale restructured positions within the Administration; and

WHEREAS, Doreen Rowland meets the qualifications for this position and agrees to the terms and conditions of employment, and has previously completed a satisfactory background investigation; 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 above named individual is hereby appointed to the position of a full-time Floater, effective January 3, 2012.

Introduced by: Councilmember Cudequest; seconded by Councilmember Curry - All ayes

32-2012 Appointment F/T Administrative Floating Position/J. Russo

WHEREAS, the Borough of Montvale restructured positions within the Administration; and

WHEREAS, Janet Russo meets the qualifications for this position and agrees to the terms and conditions of employment, and has previously completed a satisfactory background investigation; 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 above named individual is hereby appointed to the position of a full-time Floater, effective January 3, 2012.

Introduced by: Councilmember Cudequest; seconded by Councilmember Curry - All ayes

33-2012 Appointment Risk Management Consultant/Professional Insurance Associates (PIA)

WHEREAS, the Borough Of Montvale (hereinafter, the Municipality) is a member of the **Bergen County Municipal Joint Insurance Fund (BCMJIF)** and the **Municipal Excess Liability Joint Insurance Fund (MEL)** collectively referred to as, the Funds, for property and casualty coverage's, which include property, general liability, crime, environmental, employee benefits liability, excess liability and workers compensation; and

WHEREAS, the bylaws of said Funds require the Municipality appoint a RISK MANAGEMENT CONSULTANT to perform the various functions and professional services integral to the effective operation of the Municipality's Insurance Program and Loss Control efforts; and

WHEREAS, the Board of Fund Commissioners for the BCMJIF established a fee for such services equal to six percent (6%) of the Municipality's assessment, which expenditure represents reasonable compensation for the services required and is a part of the Municipal Assessment promulgated by the Fund's; and

WHEREAS, the Municipality has conducted a solicitation process to review and evaluate the credentials, services, performance and integrity of several professional firms experienced in these types of services; and

WHEREAS, the judgmental nature of the Risk Management Consultant's duties renders comparative bidding impractical;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council does hereby appoint **Professional Insurance Associates Inc.** as its Risk Management Consultant in accordance with the Fund's bylaws; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute a Risk Management Consultant's Agreement and to cause a notice of this decision to be published in accordance with NJSA 40A:11-5 (1) (a) (i).

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Professional Insurance Associates, 429 Hackensack Street, Carlstadt, New Jersey 07072.

Introduced by: Councilmember Cudequest; seconded by Councilmember Curry - All ayes

34-2012 Appointing Health Benefits Consultant/BMED/Professional Insurance Associates (PIA)

WHEREAS, the **BOROUGH OF MONTVALE** (hereinafter, the Municipality) is a member of the **Bergen Municipal Employee Benefits Fund (BMED)** and the **Municipal Reinsurance Health Insurance Fund (MRHIF)** collectively referred to as, the Funds, for the Borough's Employee Health Benefits Program, which includes medical, prescription and dental coverage's; and

WHEREAS, the bylaws of said Funds require the Municipality appoint a HEALTH BENEFITS CONSULTANT to perform the various functions and professional services integral to the effective operation of the Municipality's Employee Health Benefits Program; and

WHEREAS, the Board of Fund Commissioners for the BMED established a fee for such services equal to two and one-half percent (2.5%) of the Municipality's assessment, which expenditure represents reasonable compensation for the services required and is a part of the Municipal Assessment promulgated by the Fund's; and

WHEREAS, the Municipality has conducted a solicitation process to review and evaluate the credentials, services, performance and integrity of several professional firms experienced in these types of services; and

WHEREAS, the judgmental nature of the Health Benefits Consulting duties and the fact the service will be performed by personnel authorized by law to practice a recognized profession that is regulated by law, renders comparative bidding impractical;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council does hereby appoint **PIA Security Programs Inc.** as its Health Benefits Consultant in accordance with the Fund's bylaws; and

BE IT FURTHER RESOLVED, that in accordance with past practice, the HEALTH BENEFITS CONSULTANT shall receive as compensation, one –percent (1%) of the Municipality’s assessment, paid by the Fund, in accordance with the policies and procedures; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute a Health Benefits Consultant’s Agreement and to cause a notice of this decision to be published in accordance with NJSA 40A:11-5 (1) (a) (i).

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to PIA Security Programs, Inc., 429 Hackensack Street, Carlstadt, New Jersey 07072.

Introduced by: Councilmember Cudequest; seconded by Councilmember Talarico - All ayes

35-2012 Authorize Legal Services/V. Gagliardi/PVRHS/Proposed Dissolution

RESOLVED, the Borough of Montvale hereby appoints Vito A. Gagliardi, Jr., Esq. of the firm of Porzio, Bromberg & Newman, P.C. as special counsel to provide legal services in connection with the proposed Dissolution of a Pascack Valley Regional High School District; and

BE IT RESOLVED, that Porzio, Bromberg & Newman, P.C. shall be compensated pursuant to a fee schedule as set forth in the attached retainer agreement, with hourly rates ranging from \$310 per hour to \$125 per hour payment invoices will be shared with Borough of Woodcliff Lake; and

Introduced by: Councilmember Lane; seconded by Councilmember Talarico - All ayes
Councilmember Cudequest asked for clarification; the Mayor stated this was the attorney that is shared with Woodcliff Lake for the dissolution of the regional high school;

36-2012 Award Professional Service Contract/Website/Danori, LLC

WHEREAS, the Borough of Montvale has a need to acquire website improvements as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5*; and,

WHEREAS, it is the desire of the Mayor and Borough Council to award a professional service contract to Danori, LLC, 31 West Lincoln Street, Verona, NJ 07044, for improvements to the Borough’s website in the amount not to exceed \$7,500; and

WHEREAS, any expenditures exceeding \$7,500 must be approved by Mayor and Council by resolution; and

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

WHEREAS, the Local Public Contracts Law (*N.J.S.A. 40A:111 et seq.*) requires that the Resolution authorizing the award of contract for "Professional Services" without competitive bids and the Contract itself must be available for public inspection;

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

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

2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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

Introduced by: Councilmember Cudequest; seconded by Councilmember Ghassali - All ayes

Councilmember Lane mentioned that some information on the website is still outdated.

37-2012 Authorize Hiring/PT/On Call/Municipal Bailiff/T. Jeffrey

WHEREAS, the Pascack Joint Municipal Court is desirous of hiring an on call part-time Bailiff; and **WHEREAS**, Tracy Jeffery, has been approved by the Committee and meets the qualifications for this position, agrees to the terms and conditions of employment, and **NOW, THEREFORE, BE IT RESOLVED**, Tracy Jeffery is hereby hired, as a part-time on call Bailiff effective January 3, 2012.

Introduced by: Councilmember Talarico; seconded by Councilmember Cudequest - All ayes

38-2012 Appointing/Probationary Montvale Police Officer/Amado

BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that Herminio Amado be and is hereby appointed as a 12 month Probationary Police Officer with the Borough of Montvale Police Department; and **BE IT RESOLVED**, the effective date of employment is January 10, 2012. **BE IT FURTHER RESOLVED**, Officer Amado will be placed on paid administrative leave for the duration of his time assigned to recruit training beginning January 27, 2012 through his graduation date in June 2012.

Introduced by: Councilmember Cudequest; seconded by Councilmember Ghassali - All ayes

39-2012 Appointing/Probationary Montvale Police Officer/Lamendola

BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey that Brian Lamendola be and is hereby appointed as a 12 month Probationary Police Officer with the Borough of Montvale Police Department; and **BE IT RESOLVED**, the effective date of employment is January 10, 2012. **BE IT FURTHER RESOLVED**, Officer Amado will be placed on paid administrative leave for the duration of his time assigned to recruit training beginning January 27, 2012 through his graduation date in June 2012.

Introduced by: Councilmember Talarico; seconded by Councilmember Cudequest - All ayes

40-2012 Cancellation of Tax Overpayments or Delinquent Amounts Less than \$10.00

WHEREAS, N.J.S.A. 40A:5-17 allows for the cancellation of property tax overpayments or delinquent amounts in the amount of less than \$10.00; and **WHEREAS**, the Mayor and Council may authorize the Tax Collector to process, without further action on their part, any cancellation of property tax overpayments or delinquencies of less than \$10.00 **NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey, hereby authorize the Tax Collector to cancel said tax amounts as deemed necessary. **BE IT FURTHER RESOLVED**, that a certified copy of the resolution be forwarded to the Tax Collector, Chief Finance Officer and the Municipal Auditor.

Introduced by: Councilmember Cudequest; seconded by Councilmember Curry - All ayes

44-2012 Award Professional Service Contract/Prosecutor/Alternate Prosecutor/Public Defender/Alternate Public Defender/Pascack Joint Municipal Court

WHEREAS, the Pascack Joint Municipal Court has a need to contract for the services of various professionals to serve as the municipal prosecutor or alternate prosecutor, pursuant to N.J.S.A. 2B:25-1, et seq., and to serve as the municipal public defender or alternate public defender, pursuant to N.J.S.A. 2B:24-1, et seq.; and

WHEREAS, these services 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 when the appointed municipal public defender may have a conflict of interest, thus creating a need for an alternate public defender; and

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

Prosecutor: Christopher C. Botta, Esq.
Alternate Prosecutor: Brian T. Giblin, Esq.
Alternate Prosecutor: Natalia Angeli, Esq.

Public Defender: Gerald R. Salerno, Esq.
Alternate Public Defender: Robert Metzdorf, Esq.

WHEREAS, the salary of the Prosecutor shall be \$25,000, and the salary of the Public Defender shall be \$7,000; and

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

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

WHEREAS, the term of these contracts shall commence on January 3, 2012, and shall continue for the remainder of the calendar year 2012; and

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

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

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

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

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

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

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

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

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

BILLS: Municipal Clerk read the Bill Report.

Motion to pay bills by Councilmember Lane; seconded by Councilmember Talarico - All ayes

REPORT OF REVENUE: Municipal Clerk read the Report of Revenue

COMMITTEE REPORTS:

Councilmember Lane

Fire Dept

2011 was extremely busy year with 327 calls; Firehouse is being reviewed on the state of condition; the new air packs are in;

Finance

Had first budget meeting;

Councilmember Ghassali

DPW

Road paving program completed; remove fence from memorial drive around the pond ; street sweeping completed;

Administration

Budget review in full swing; went line by line for the Police and DPW budgets – next budget meeting is scheduled for Jan 31st at 5:30pm;

Councilmember Cudequest

Regional High School Board

A brief meeting was held, part of the discussion was about the difficult time the board is having trying to make next year's school calendar due to the Jewish Holidays being during the week;

Planning Board

Jan 19 at 8pm opening public meeting for the proposed Village Green Marketplace in Chestnut Ridge, NY the address is 277 Old Nyack Turnpike; urges residents to attend;

Councilmember Curry

Board of Health

Successful rabies clinic with 130 dogs and 25 cats; recommended Fair Game for the removal of the geese; Joyce Cohen is President, Rea Hopper Vice President, and Janet Russo as board secretary;

Councilmember Talarico

Police

Monthly report included in original minutes

Tri-Boro

32 calls; 500 miles; 56 hours; 181 crew hours all by Montvale

Congratulated the two new police officers that were sworn in tonight; very rigorous process for all candidates

MAYOR

Library

Total circulation was 168,412 for year 2011; 81,141 patron visits; 418 new library cards issued

Received a letter today from Marion Latz,, Business Administrator for the school and it stated in the letter that the school will contribute \$7500 or less or half of the cost but not to exceed \$7500 towards the removal of the geese.

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

- a. Status/Bidding Process Lining Sanitary Sewer

Waiting on confirmation from DEP to proceed;

- b. Status of Eagle Ridge/Project

Due to some residents from the other side of the stream having raised concerns; it would be in the borough's best interest to be no longer involved with the helping of the residents along Eagle Ridge and that they should retain their own engineering services;

Councilmember Ghassali added that Mr. Hipolit has been giving the residents free advice;

ATTORNEY REPORT:

Phillip Boggia, Esq.

Report/Update

Mr. Boggia added that he does concur with engineer and that the borough went as far as it could and it would be appropriate for the borough to step back;

UNFINISHED BUSINESS:

Mayor Fyfe stated that there were some concerns regarding the foreman position for the DPW which has been cleared up so therefore a motion is needed to re-appoint Steve Hermanns as foreman;

A motion by Councilmember Cudequest; seconded by Councilmember Ghassali – all ayes

NEW BUSINESS:

Councilmember Ghassali added that he is working with the Planning Board to go paperless; this will give the developers an option to use a cd or paper copies of the plans; Mr. Ghassali added that this could be a possible revenue stream.

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.

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

- All ayes

Steve Altman, 32 Sunnyside Drive

In regard to the Eagle Ridge project, Mr. Altman wanted to know if the soil permit will still be heard on January 17th ; Mayor Fyfe added probably not; the engineer stated that they would have to submit new plans;

Lillian Crowley, 26 Ladik Place

Would like to officially request considering paving Main street from Montvale Ave to Gilbert;

Chuck Taut, 27 Hillcrest Ave

Asked who maintains the train station; Mr. Taut mentioned a few issues like, no heat, the bathroom has been closed, pile of branches, and abandon bikes; Mayor Fyfe stated that it is the borough's responsibility to maintain the building; the administrator added that the bathroom has been closed due to vandalism; they will look into the other issues.

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

All ayes

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT

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

- all ayes

Meeting was adjourned at 9:04pm

The next Meeting of the Mayor and Council will be held January 31, 2012 at 7:30 p.m.

Budget Meeting January 31, 2012 at 5:30pm

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk