

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:50pm. 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 Curry	Councilmember Lane – via phone
Councilmember Koelling	Councilmember Talarico
Councilmember LaMonica	Councilmember Weaver

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

Frank Covelli, Risk Manager/Health Benefits Consultant: Overview of Health Benefits/2011 Chapter 78 Health Benefits Reform/NJ State Health Benefits Programs 2017/NJSHB Renewal & Plan Design Changes/BMED Health Benefits Programs/Health Savings Accounts HSA

ORDINANCES:

None.

MINUTES:

November 7, 2016

A motion to accept the minutes by Councilmember Curry; seconded by Councilmember Talarico - all ayes with the exception of Councilmembers Koelling abstaining

RESOLUTIONS:

185-2016 Refund Various Tax Overpayments

WHEREAS, a resolution authorizing the Borough of Montvale to refund an overpayment of taxes as a result of a duplicate payment for fourth quarter property taxes was made by the homeowner and bank; and

WHEREAS, this is to include following parcels:

- Block 1302; Lot 4; 51 Hering Road - Olivia Janovic \$4,007.00
- Block 302; Lot 13.02; 102 Olde Woods Lane – Steve Lee - \$12,118.12
- Block 104; Lot 12; 75 Valley View Terrace – Tamare Goldstein \$3,762.00
- Block 204; Lot 7; 88 Upper Saddle River Rd – Kevin Madden - \$3,412.00

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to refund the above homeowners.

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

186-2016 Authorize Tax Appeal Settlement/DS Montvale, LLC/Block 2002/Lot 15

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by DS Montvale, LLC (hereinafter the "Tax Appeal"), under Docket Numbers 010485-2012; 009497-2013; 008813-2014; 002993-2015 and 004518-2016, and;

WHEREAS, the aforesaid tax appeal involves an office building located at 221 W. Grand Avenue, and is otherwise referred to as Block 2002 Lot 15 on the tax assessment map 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, the Borough Tax Assessor and the Borough Appraiser, and;

WHEREAS, the terms of the proposed settlement are set forth in the attached Schedule "A" included herein, 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 hereby approved, in accordance with the terms set forth in the attached 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.

SCHEDULE "A"

- A. The terms of the aforesaid tax appeal settlement shall consist as follows:
 - 2012 Appeal: Withdrawn
 - 2013 Appeal: \$3,350,000
 - 2014 Appeal: \$2,975,000
 - 2015 Appeal: \$3,050,000
 - 2016 Appeal: \$3,150,000
- B. The provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") shall be applicable to the terms of this settlement.

Introduced by: Councilmember Weaver; seconded by Councilmember Koelling - All ayes

187-2016 Authorize Tax Appeal Settlement/JD Montvale/Block 2904/Lot 3

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by JD Montvale, LLC (hereinafter the "Tax Appeal"), under Docket Number 006463-2016, and;

WHEREAS, the aforesaid tax appeal involves an office building located at 102 Chestnut Ridge Road, which is otherwise referred to as Block 2904 Lot 3 on the tax assessment map 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 the Borough Tax Assessor, and;

WHEREAS, the terms of the proposed settlement would reduce the subject properties' assessment to \$5,500,000 for the 2016 tax year, and;

WHEREAS, the provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") shall be applicable to the terms of this proposed settlement, 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 hereby approved, 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 Curry - All ayes

188-2016 Authorize Change Order #1 & Change Order #2/New Montvale Firehouse/Unimak LLC

WHEREAS, the Borough of Montvale awarded a contract on April 26, 2016 in connection with the New Montvale Firehouse Project; and

WHEREAS, the original contract amount is \$4,449,000.00 via Resolution #82-2016; and

WHEREAS, the Robbie Conley Architect, LLC approves said Change Orders #1 & #2 based on the contract as per the documentation transmittal dated October 26, 2016 Change Order #1 and Change Order #2 dated November 7, 2016 which both are attached to the original of this resolution and ; and

WHEREAS, Change Order #1 is a \$0 change adding 26 days to the schedule to cover delays the Contractor encountered due to utility disconnects during demolition. Change Order #2 reflects \$23,000.00 credit due to a reduction in the amount of the heated slab area in front of the Firehouse. Change Order #2 includes an additional cost of \$19,915.00 for a Fire Pole at the request of the Fire Department, which was not awarded as part of the contract. The total credit back to the Borough of Montvale results in a credit of \$3,085.00; and

WHEREAS, the Borough’s Chief Financial Officer has certified that funds have been appropriated and are available for this purpose.

Total Contract Amount	\$4,449,000.00 Resolution #82-2016
Payment	\$207,230.80 Resolution 138-2016 Payment #1
Payment	\$125, 696.76 Resolution 144-2016 Payment #2
Payment	\$188,081.60 Resolution 153-2016 Payment #3
Payment	\$219,199.20 Resolution 171-2016 Payment #4
Payment	\$357,836.56 Resolution 180-2016 Payment #5
Change Order #1	\$0 (26 additional days)
Change Order #2	Credit \$23,000.00 (due to reduction heated slab)
Change Order #2 (continued)	Credit \$23,000.00 minus \$19,915.15 (Fire Pole)
	Credit amount total \$3,085.00
Total Remaining Balance, Including Retainage	\$3,350,955.08 as of 11/7/16
New Total Remaining Balance w/credit Change Order #2	3,347,870.08 Reso.188-2016

Introduced by: Councilmember Lane; seconded by Councilmember Curry - All ayes
Councilmember Curry asked for clarification regarding the credits;

189-2016 Renew Tri-Borough Fuel Depot Agreement

WHEREAS, the Boroughs of Montvale, Park Ridge and Woodcliff Lake, wish to renew the Agreement for the Tri-Borough Fuel Depot, copy attached to the original of this Resolution for a five year period of time commencing October 1st 2016; 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

BOROUGH OF MONTVALE

NOVEMBER 29, 2016

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.

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

190-2016 Transfer of Appropriations

WHEREAS, certain transfer of funds for various 2016 budget appropriations are necessary to cover anticipated expenditures; and

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers from appropriations with an excess over and above the amount deemed to be necessary to fulfill the purpose for such appropriations, to those appropriations deemed to be insufficient;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the transfers be made between the 2016 budget appropriations as follows:

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
General Appropriations Operations – Within “CAPS”		
Salary Adjustment Account Administrative and Executive: Salaries and Wages	\$5,000.00	\$5,000.00
Social Security System Administrative and Executive: Salaries and Wages	5,000.00	5,000.00
Planning Board: Other Expenses	20,000.00	
Legal Services and Costs: Other Expenses		20,000.00
Gasoline Legal Services and Costs: Other Expenses	10,000.00	10,000.00
Planning Board: Other Expenses	2,000.00	
Planning Board: Salaries and Wages		2,000.00
Tax Assessment Administration: Other Expenses	5,000.00	
Public Buildings and Grounds Other Expenses		5,000.00

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Planning Board:		
Other Expenses	3,000.00	
Construction Code Officials:		
Other Expenses		3,000.00
Social Security System	3,000.00	
Building Subcode Official:		
Salaries and Wages		3,000.00
Social Security System	4,000.00	
Electrical Subcode Official:		
Salaries and Wages		4,000.00
Public Health Services (Board of Health)		
Other Expenses	1,500.00	
Municipal Court Administration:		
Salaries and Wages		1,500.00
Gasoline	1,000.00	
Municipal Court Administration:		
Other Expenses		1,000.00
Public Health Services (Board of Health)		
Other Expenses	1,500.00	
General Appropriations		
Operations – Excluded from “CAPS”		
Interlocal Municipal Service Agreements		
Municipal Court Administration:		
Salaries and Wages		1,500.00
General Appropriations		
Operations – Within “CAPS”		
Gasoline	1,000.00	
General Appropriations		
Operations – Excluded from “CAPS”		
Interlocal Municipal Service Agreements		
Municipal Court Administration:		
Other Expenses		1,000.00
	<u>\$62,000.00</u>	<u>\$62,000.00</u>
	=====	=====

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

191-2016 Tax Appeal Settlement of DePiero Farmland Rollback Assessments / Block 2802 Lots 2, 3Q and 3QQ

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Edward & Elaine DePiero and Montvale Development Associates, LLC (hereinafter the “Tax Appeal”), under Docket Number 013422-2016, and;

WHEREAS, the aforesaid tax appeal challenges the amount of a Farmland Rollback Assessment that was placed on three (3) adjacent parcels of land located on Grand Avenue by the Borough

Tax Assessor under the authority of N.J.S.A. 54:4-23, et seq., which are identified Block 2802 Lots 2, 3.Q and 3.QQ on the Borough's Tax Map (hereinafter the "subject property") for the 2013, 2014 and 2015 tax years, and;

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal settlement by legal counsel and the Borough Tax Assessor, and;

WHEREAS, per the terms of the proposed settlement, the parties have agreed to stipulate to the Farmland Rollback Assessment that was placed on the subject property by the Borough Tax Assessor for each year under appeal, conditioned upon the Plaintiffs being permitted to pay the Rollback Assessment to the Borough, with interest, in structured payments over a three (3) year period, 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 hereby approved, 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 LaMonica; seconded by Councilmember Koelling - All ayes
The attorney gave a brief explanation regarding that the rollback taxes will be paid to the borough annually for 3 consecutive years including 5% interest , starting November 15, 2016

192-2016 A Resolution Authorizing State Contract #80801 RFP Solutions, Inc. Installing Various Technologies in the New Montvale Fire House

WHEREAS, The New Montvale Fire House is in need of the installation of various technologies as described in the State Contract #80801 said detailed proposal dated November 21, 2016 is attached to the original of this resolution submitted by RFP Solutions Inc; and

WHEREAS, Based upon the recommendation of the John Descano, Project Manager of Robbie Conley Architect, LLC for this project it was determined during the Construction Documents phase, that it was best to have the audio/visual and securities systems performed by a separate specialized vendor; and

WHEREAS, The Montvale Fire Chief and Qualified Purchasing Agent has reviewed the proposal submitted and recommends award; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale hereby authorize said contract to RPF Solutions Inc., 10-F Greenwood Avenue, Woodbury, NJ 08096 in the amount of \$62,444.00 for options 1,3,4,5,6,7,& 8; and

WHEREAS, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

Introduced by: Councilmember Koelling; seconded by Councilmember LaMonica - All ayes
The architect recommended to look on state contract for a vendor specific to the installation of various technologies

BILLS:

A motion to pay bills by Councilmember Koelling; seconded by Councilmember Talarico - All ayes

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

- a. Update / Middletown Road Pump Station / Emergency Repair
Almost completed
 - b. Update / Generator
Waiting for FEMA to approve the modification of the specs because the library asked to increase the capacity of the generator and offered to pay the difference.
 - c. Update / Pool Demolition
Bids will be received November 30
 - d. Wegmans Road Widening
County has signed off on the road widening, anticipated start date is March 15, weather permitting; Will request to go out for bid at next meeting;
 - e. Update HVAC and Roof
Over the last six months, bid the project twice, with no bidders; reached out to contractors, no interest; cannot wait any longer, the roof is in need of repair; at next meeting will request to go out for bid for the roof
- Councilmember Weaver asked for a follow up regarding the loading dock at CVS, Mr. Hipolit will speak to Chief Abrams

ATTORNEY REPORT:

Joe Voytus, Esq.
Report/Update

- a. Verizon Wireless/Application To Locate & Operate Small Network Nodes In The Public Right of Way
 - 1) Proposed Draft Resolution
- The borough attorney is waiting for approval of the draft resolution that was sent to Verizon. Councilmember Curry asked if Verizon can remove equipment that is not being used.

UNFINISHED BUSINESS:

- a. Status/Tabled Resolution/PVRHS Board of Education/Videotape/Public Meetings
Councilmember Weaver gave a brief overview of the discussion by the board; the board presented a few options, audio recording only, live stream and video with 24 hour delay; the overall preference was the 24 hour delay; the video would be posted on the Board of Ed website; an additional cost of \$5,000 for upgrades to the existing equipment; additional stipend to a faculty member ranging from \$2500-\$5000; video will be on the website for approximately 45 days; it was decided by councilmembers to wait and see before approving the resolution

NEW BUSINESS:

- a. Schedule Date Re-Organization Meeting Date & Time Jan. 2017/Proposed Monday January 2nd, 7:00 pm
All councilmembers agreed on the date
- b. Request 225 Summit Avenue/MSKCC/Hours of Work/3 Months/Interior Night Work/4pm-12am
Councilmembers granted permission with the condition of covering the windows

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 Koelling; seconded by Councilmember Curry – all ayes

Carolee Adams

Ms. Adams disagreed with the postponement of the resolution of the videotaping of the Board of Ed meetings, encouraged the councilmembers not to “wait and see”; Should consider a deer committee, RiverVale and Upper Saddle River have formed a committee; encouraged to expand corporate base to come to Montvale;

Chief Miller

Complement Rich Campanelli and DPW crew for fixing all the electrical and lighting issues by the center of town; Decorated town center for holidays, added a few new pieces; the firehouse committee meets every two weeks with the architect and contractor to go over every step and phase. Working on a plan to possibly move the siren by Valley View or to reduce the siren time;

Jarett Schumacher

Echo the comments about the deers, we do have a deer problem; ask why do we bag leaves, when Rivervale and the surrounding towns put them curbside; Councilmember Curry stated that on certain roads it becomes a safety issue because of the narrow roads; Mayor Ghassali will ask DPW Superintendent further information on cost and manpower;

Emily Johnson Reporter from Teaneck commented about use the deer for venison

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

ADJOURNMENT:

Motion to adjourn by Councilmember LaMonica; seconded by Councilmember Curry – all ayes

ADJOURNMENT

Meeting adjourned at 9:22pm

The next Meeting of the Mayor and Council will be held on December 13, 2016 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk