

**MINUTES  
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:43pm. 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
Councilmember Koelling	Councilmember Talarico
Councilmember LaMonica - absent	Councilmember Weaver

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

**ORDINANCES:**

None.

**MINUTES:**

December 13, 2016

A motion to accept the minutes by Councilmember Koelling; seconded by Councilmember Lane - all ayes

**RESOLUTIONS:**

**196-2016 Tax Appeal Settlement / Block 1102 Lot 2 & Block 1102 Lot 2.01; Lot 6, 110 Summit Ave / Montvale KSL, LLC**

**WHEREAS**, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Montvale KSL, LLC (hereinafter the "Tax Appeal"), under Docket Numbers 006862-2011, 000810-2012, 009717-2013, 008777-2014, 006431-2015 and 002171-2016, and;

**WHEREAS**, the aforesaid tax appeal involves a commercial property located at 110 Summit Avenue, and is otherwise referred to as Block 1102 Lot 2 and Block 1102 Lot 2.01 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**, the provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") are hereby waived, per the terms of the aforementioned 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, 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:

2011 Appeal: Withdrawn  
2012 Appeal: Withdrawn  
2013 Appeal: Withdrawn  
2014 Appeal: \$8,250,000  
2015 Appeal: \$8,050,000  
2016 Appeal: \$7,240,000

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 Curry; seconded by Councilmember Koelling - All ayes with the exception of Councilmember Lane abstaining

**197-2016 Authorization Verizon Wireless/To Locate & Operate Small Network Nodes In the Public Right of Way**

**WHEREAS**, New York SMSA Limited Partnership d/b/a Verizon Wireless, ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

**WHEREAS**, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Borough of Montvale; and

**WHEREAS**, New Jersey law permits such use provided that there is the consent of the relevant municipality;

**NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY THAT:**

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of Montvale, subject to the following:
  - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
  - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Montvale.

- C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Montvale, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Borough of Montvale.
- D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Borough of Montvale as an additional insured.
- E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- F. Notwithstanding any provision contained herein, neither the Borough of Montvale nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- G. This instrument shall be adopted on behalf of the Borough of Montvale by the Borough Council of the Borough of Montvale and attested to by Borough of Montvale Clerk who shall affix the Borough of Montvale Seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

#### STATEMENT

This resolution authorizes Verizon Wireless to use poles erected within the public right-of-way of the Borough of Montvale by parties that have the lawful right to maintain such poles.

Introduced by: Councilmember Lane; seconded by Councilmember Koelling - All ayes  
Councilmember Curry asked for clarification about removing existing wires and pieces of equipment no longer in service

**198-2016 A Resolution Declaring an Emergency Affecting Public Health, Safety and Welfare and Ratifying the Emergency Contract Awarded Pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 to Rapid Pump & Meter**

**WHEREAS**, the Borough Engineer by letter report dated October 31, 2016, advised the Borough that on October 30, 2016, the Middletown Road pump station was struck by lightning on at approximately 4:00 pm; and

**WHEREAS**, the Middletown Road sanitary sewer pump station services the area in the vicinity of Middletown Road in the Borough of Montvale; and

**WHEREAS**, the lightning strike caused a power surge through the pump station control panel, disabling the panel while the pumps were running, causing an immediate shut down of the pumps, and that shut down caused significant vibration throughout the system, which in turn caused the break in the force main; and

**WHEREAS**, as a result of the break in the force main, the Borough experienced backups in the system and leakage from the sewer main; and

**WHEREAS**, maintaining a safe traveled roadway and public utilities (sanitary sewage system) is essential to public health and safety of the residents of Montvale, as well as visitors traveling on Middletown Road, and the force main break and pump station failure posed a threat to the residents in the area, the roadway, as well as the utilities in the area; and

**WHEREAS**, the Borough Engineer advised that the condition represented a danger to the health and safety of the general public; and

**WHEREAS**, based upon the advice of the Borough Engineer, conducting a full public bidding process would delay the execution of the critically necessary repair by a minimum of three (3) to six (6) months, during which time the sewer system would need to be operated with a bypass, which is neither safe nor feasible; and

**WHEREAS**, it was the opinion of the Borough Engineer that there was no feasible way economically, or from an engineering standpoint, to do a smaller repair to the Middletown Road pumping station and force main; and

**WHEREAS**, this emergency situation could not have been reasonably foreseen by the Borough; and

**WHEREAS**, as a result of the Borough Engineer's October 31, 2016 report, the Borough Administrator was satisfied that the situation constituted an "imminent emergency" for purposes of N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1; and

**WHEREAS**, the Borough Engineer did therefore solicit proposals from interested and qualified contractors to perform certain work, after which contracts were awarded by the Borough's Qualified Purchasing Agent to Rapid Pump & Meter Service in the amount of \$20,000.00 to repair the damaged pump, and to Dutra Excavating & Sewer in the amount of \$12,929.14 to perform additional work related to the repair of the force main, as set forth in the Engineer's letter of December 13, 2016; and

**WHEREAS**, the scope of said contracts were intended only to meet the immediate needs of the emergency; and

**WHEREAS**, the Borough Council is satisfied based upon the letter report from the Borough Engineer dated October 31, 2016, 2016, that the conditions at the Middletown Road Pump Station represented a danger to the health and safety of the general public and thus constituted an "imminent emergency" for purposes of N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1; and

**WHEREAS**, the Borough Council is desirous of ratifying the contracts awarded by the Borough's Qualified Purchasing Agent to ensure prompt payment thereon.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council as follows:

1. The recitals set forth above are incorporated herein as if set forth at length.
2. The Borough Council hereby declares that the situation at the Middletown Road Pump Station constituted an "imminent emergency" justifying the use of emergency procurement procedures by the Borough Engineer and Qualified Purchasing Agent.

3. The contract entered into with Rapid Pump & Meter Service in the amount of \$20,000.00 is hereby ratified and reaffirmed.
4. A copy of the October 31, 2016 letter report and the December 13, 2016 letter concerning the receipt of proposals, both from the Borough Engineer, shall be filed in the minutes along with this resolution.

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

**199-2016 A Resolution Declaring an Emergency Affecting Public Health, Safety and Welfare and Ratifying the Emergency Contract Awarded Pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 to Dutra Excavating & Sewer, Inc.**

**WHEREAS**, the Borough Engineer by letter report dated October 31, 2016, advised the Borough that on October 30, 2016, the Middletown Road Pump Station was struck by lightning at approximately 4:00 pm; and

**WHEREAS**, the Middletown Road sanitary sewer pump station services the area in the vicinity of Middletown Road in the Borough of Montvale; and

**WHEREAS**, the lightning strike caused a power surge through the pump station control panel, disabling the panel while the pumps were running, causing an immediate shut down of the pumps, and that shut down caused significant vibration throughout the system, which in turn caused the break in the force main; and

**WHEREAS**, as a result of the break in the force main, the Borough experienced backups in the system and leakage from the sewer main; and

**WHEREAS**, maintaining a safe traveled roadway and public utilities (sanitary sewage system) is essential to public health and safety of the residents of Montvale, as well as visitors traveling on Middletown Road, and the force main break and pump station failure posed a threat to the residents in the area, the roadway, as well as the utilities in the area; and

**WHEREAS**, the Borough Engineer advised that the condition represented a danger to the health and safety of the general public; and

**WHEREAS**, based upon the advice of the Borough Engineer, conducting a full public bidding process would delay the execution of the critically necessary repair by a minimum of three (3) to six (6) months, during which time the sewer system would need to be operated with a bypass, which is neither safe nor feasible; and

**WHEREAS**, it was the opinion of the Borough Engineer that there was no feasible way economically, or from an engineering standpoint, to do a smaller repair to the Middletown Road Pump Station and the broken force main; and

**WHEREAS**, this emergency situation could not have been reasonably foreseen by the Borough; and

**WHEREAS**, as a result of the Borough Engineer's October 31, 2016 report, the Borough Administrator was satisfied that the situation constituted an "imminent emergency" for purposes of N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1; and

**WHEREAS**, the Borough Engineer did therefore solicit proposals from interested and qualified contractors to perform certain work, after which contracts were awarded by the Borough's Qualified Purchasing Agent to Rapid Pump & Meter Service in the amount of \$20,000.00 to repair the damaged pump, and to Dutra Excavating & Sewer in the amount of \$12,929.14 to perform additional work related to the repair of the force main, as set forth in the Engineer's letter of December 13, 2016; and

**WHEREAS**, the scope of said contracts was intended only to meet the immediate needs of the emergency; and

**WHEREAS**, the Borough Council is satisfied based upon the letter report from the Borough Engineer dated October 31, 2016, 2016, that the conditions at the Middletown Road Pump Station represented a danger to the health and safety of the general public and thus constituted an "imminent emergency" for purposes of N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1; and

**WHEREAS**, the Borough Council is desirous of ratifying the contracts awarded by the Borough's Qualified Purchasing Agent to ensure prompt payment thereon.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council as follows:

1. The recitals set forth above are incorporated herein as if set forth at length.
2. The Borough Council hereby declares that the situation at the Middletown Road Pump Station constituted an "imminent emergency" justifying the use of emergency procurement procedures by the Borough Engineer and Qualified Purchasing Agent.
3. The contract entered into with Dutra Excavating & Sewer, Inc. in the amount of \$12,929.14 is hereby ratified and reaffirmed.
4. A copy of the October 31, 2016 letter report and the December 13, 2016 letter concerning the receipt of proposals, both from the Borough Engineer, shall be filed in the minutes along with this resolution.

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

**RESOLUTIONS: (CONSENT AGENDA\*)**

All items listed on a consent agenda are considered to be routine and non-controversial by the Borough Council and will be approved by a motion, seconded and a roll call vote. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

200-2016 Cancellation Of Improvement Authorizations  
 201-2016 Cancellation Of Prior Year Outstanding Checks  
 202-2016 Cancellation Of Various Balances  
 203-2016 Cancellation Of 2015 Current Fund Appropriation Reserves  
 204-2016 Cancellation Of 2016 Current Fund Appropriations

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

**200-2016 Cancellation Of Improvement Authorizations**

**WHEREAS**, there exists an unexpended improvement authorization balance on the balance sheet of the General Capital Fund; and

**WHEREAS**, the unexpended improvement authorization balance remains dedicated to a project now completed or the balance is determined to be in excess of the amount necessary for the completion of the project; and

**WHEREAS**, it is necessary to formally cancel said balance so that the unexpended balance may be credited to reserve for payment of debt or fund balance;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the following unexpended improvement authorization balance be cancelled:

**GENERAL CAPITAL FUND:**

<u>ORDINANCE</u>	<u>DESCRIPTION</u>	<u>FUNDED</u>	<u>UNFUNDED</u>
2013-1370	Engineering – County Road Improvement	\$1,025.25	
		<u>\$1,025.25</u>	<u>\$0.00</u>
		=====	=====

**201-2016 Cancellation Of Prior Year Outstanding Checks**

**WHEREAS**, There exists an outstanding check from the prior year drawn against the General Checking Account, and

**WHEREAS**, it has been determined that the outstanding check from the prior year be cancelled to Current Fund surplus;

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, that the following outstanding check from the prior year be cancelled:

**GENERAL CHECKING**

<u>DATE</u>	<u>CHECK NUMBER</u>	<u>AMOUNT</u>	<u>FUND</u>	<u>ACCCOUNT</u>
10/13/15	10986	\$3,866.30	Current	Surplus

**202-2016 Cancellation Of Various Balances**

**WHEREAS**, there exists certain receivable and reserve balances on the Current Fund balance sheet of the Borough of Montvale; and

**WHEREAS**, the funds creating these receivable and reserve balances have been investigated, and it has been determined that these receivable and reserve balances should be cancelled; and

**WHEREAS**, it is necessary to formally cancel said balances so that the uncollected receivable balances may be charged to fund balance and the reserve balance may be credited to fund balance;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale, that the following receivable and reserve balances from the Current Fund be cancelled:

	<u>&lt;CHARGES&gt;/CREDITS</u>
<b><u>Current Fund</u></b>	
Grants Receivable:	
Municipal Alliance Program - 2015	<\$7,897.59>
Municipal Alliance Program – 2016	<7,330.20>
County of Bergen – Department of Public Works:	
ADA Curb Ramp Improvements – Construction	<165,777.42>
	<\$181,005.21>
	=====
Reserve for Grants – Appropriated:	
County of Bergen – Department of Public Works:	
ADA Curb Ramp Improvements – Construction	\$55,370.47
	=====

**203-2016 Cancellation Of 2015 Current Fund Appropriation Reserves**

**WHEREAS**, there exists unexpended 2015 Current Fund budget appropriation reserve balances; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be credited to surplus;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the following unexpended 2015 Current Fund budget appropriation reserve balances be cancelled:

**GENERAL APPROPRIATIONS**

Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues

Municipal Alliance Program	\$6,323.11
County of Bergen – Department of Public Works:	
ADA Curb Ramp Improvements – Construction	<u>110,406.95</u>
	\$116,730.06
	=====

**204-2016 Cancellation Of 2016 Current Fund Appropriations**

**WHEREAS**, there exists an unexpended 2016 Current Fund budget appropriation balance; and

**WHEREAS**, it is necessary to formally cancel said balance so that the unexpended balance may be credited to surplus;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that the following unexpended 2016 Current Fund budget appropriation balance be cancelled:

**GENERAL APPROPRIATIONS**

Operations - Excluded from "CAPS"

Public and Private Programs Offset by Revenues

Municipal Alliance Program	\$7,330.20
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**205-2016 Awarding Professional Service Contract / Engineering Services and Professional Survey / Upper Saddle River Road Reconstruction / Maser Consulting, LLC**

**WHEREAS**, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide professional survey and engineering services related to the reconstruction of Upper Saddle River Road; 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; and

**WHEREAS**, Maser Consulting, 200 Valley Road, Suite 400, Mt. Arlington, NJ 07856 has submitted a proposal dated December 21, 2016 to provide these services which is attached to the original of this resolution, and

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

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

- 1) That the proposal for the scope of engineering services is attached to this resolution which is made part of this resolution shall be awarded to Maser Consulting.
- 2) That the following be provided: Professional Survey and Engineering Services
- 3) The cost not to exceed shall be \$39,500.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

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

**206-2016 Awarding Professional Service Contract / Inspection Services / Storm Sewer Outfall Inspections / Maser Consulting, LLC**

**WHEREAS**, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide inspection of approximately 124 stormwater outfalls within the Borough; 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; and



**WHEREAS**, Maser Consulting, 200 Valley Road, Suite 400, Mt. Arlington, NJ 07856 has submitted a proposal dated December 21, 2016 to provide these services which is attached to the original of this resolution, and

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

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

- 1) That the proposal for the scope of engineering services is attached to this resolution which is made part of this resolution shall be awarded to Maser Consulting.
- 2) That the following be provided: Inspection Services
- 3) The cost not to exceed shall be \$19,500.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be published an official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Municipal Clerk, Municipal Complex, 12 Mercedes Drive, Montvale, NJ 07645.

## **Tabled**

### **207-2016 Authorize Appointment / Sherri D'Alessandro / Acting Municipal Court Administrator**

**WHEREAS**, pursuant to N.J.S.A. 2C:12-10 the Municipality of Upper Saddle River and the Municipality of Montvale, acting as lead agency for the Pascack Joint Municipal Court, are required to provide for a Municipal Court Administrator; and

**WHEREAS**, pursuant to N.J.S.A. 40A:65-1 et. Seq., any municipality of the State of New Jersey may contract with any other municipality or municipalities to share services that any party to the agreement is empowered to provide within its own jurisdiction; and

**WHEREAS** in accordance with N.J.S.A. 2C:12-1(c) the Municipality of Upper Saddle River and the Municipality of Montvale, acting as lead agency for the Pascack Joint Municipal Court, consent and agree to share the professional services of their respective Municipal Court Administrators on a provisional basis in the event of the absence of the Municipal Court Administrator and Deputy Court Administrator, to undertake the duties of the absent Municipal Court Administrator during scheduled and/or unscheduled leaves, within the two respective municipalities; and

**WHEREAS** the rate of pay shall be \$30 per hour. Pay rate established by N.J.S.A. 2C:12-10(b).

**NOW THEREFORE BE IT RESOLVED**, this 27<sup>th</sup> day of December 2016, that the Municipality of Upper Saddle River and the Municipality of Montvale consent to the attached agreement.

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

### **208-2016 Awarding Professional Service Contract/Engineering Services and Inspection Services / Middletown Road Pump Station / Emergency Repair / Maser Consulting, LLC**

**WHEREAS**, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide professional engineering services and site Inspection for the emergency repair for Middletown Road Pump Station emergency repair Maser Consulting prepared bid documents and coordinating the Contractors to solicit prices for this work; 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; and

**WHEREAS**, Maser Consulting, 200 Valley Road, Suite 400, Mt. Arlington, NJ 07856 has submitted a proposal dated December 13, 2016 to provide these services which is attached to the original of this resolution, and

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

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

- 1) That the proposal for the scope of engineering services is attached to this resolution which is made part of this resolution shall be awarded to Maser Consulting.
- 2) That the following be provided: Professional Engineering Services and Site Inspection.
- 3) The cost not to exceed shall be \$3,835.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be published an official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Municipal Clerk, Municipal Complex, 12 Mercedes Drive, Montvale, NJ 07645

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

#### **209-2016 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:

<b><u>CURRENT FUND</u></b>	<b><u>FROM</u></b>	<b><u>TO</u></b>
General Appropriations		
Operations – Within “CAPS”		
Planning Board:		
Other Expenses	\$15,000.00	
Sewer System:		
Other Expenses		\$15,000.00
Social Security System	15,000.00	
Sewer System:		
Other Expenses		15,000.00
Gasoline	2,000.00	
Municipal Court Administration:		
Other Expenses		2,000.00
General Appropriations		
Operations – Within “CAPS”		
Gasoline	5,000.00	
General Appropriations		

Operations – Excluded from “CAPS”  
 Interlocal Municipal Service Agreements  
 Municipal Court Administration:  
 Other Expenses

5,000.00

\$37,000.00

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\$37,000.00

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

**210-2016 Resolution Authorizing Settlement between Borough of Montvale and Sgt.**

**DiBlasi**

**WHEREAS**, certain employment-related issues have arisen between Sgt. David DiBlasi (“Employee”) and the Borough of Montvale and the Montvale Police Department (collectively “Employer”); and

**WHEREAS**, Employer and Employee have engaged in settlement negotiations in an attempt to resolve the matters in controversy; and

**WHEREAS**, as a result of said negotiations, the parties have agreed to resolve the matters in dispute; and

**WHEREAS**, the terms of the Agreement between the parties have been memorialized in a certain Disciplinary Action Consent Disposition (the “Consent Disposition”) and an Agreement and General Release (the “Agreement”), the terms of which are incorporated by reference into this Resolution; and

**WHEREAS**, by this Resolution, Employer wishes to authorize and memorialize such settlement and to approve the terms of the Consent Disposition and Agreement.

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

1. The terms of the Consent Disposition be and hereby are approved, authorized and ratified.
2. The terms of the Agreement be and hereby are approved, authorized and ratified.
3. The Mayor, the Borough Administrator, the Borough’s Chief Financial Officer, and the Borough Attorney are authorized to take all appropriate actions so as to implement this Resolution.

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

Attorney stated the effective date will be 12/27/16

**211-2016 Authorize Appointment of John T. Wirth/Fire Official/Fire Inspector**

**WHEREAS**, the Uniform Fire Safety Act, (P.L. 1983, c.383) was enacted for the purpose of establishing a system for the enforcement of fire safety standards throughout the State of New Jersey; and

**WHEREAS**, the Uniform Fire Safety Act authorizes municipalities to provide for local enforcement and to establish local enforcement agencies for that purpose; and

**WHEREAS**, the Borough of Montvale has opted to have the Uniform Fire Safety Act enforced locally; and

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Montvale that John T. Wirth, 66 Spring Valley Road, Montvale, NJ 07645 is hereby appointed Fire Official for a term commencing on January 1, 2017 through December 31, 2017; and

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Montvale that the Fire Official shall carry out the duties in accordance with the Uniform Fire Safety Act and the NJ Administrative Code.

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

**BILLS:**

A motion to pay bills by Councilmember Lane; seconded by Councilmember Curry - All ayes

**ENGINEER'S REPORT:**

Andrew Hipolit

Report/Update

- a. Emergency Generator/Update FEMA Grant Funding Status of Acceptance

Waiting on approval from FEMA for the added portion to the library

- b. Authorization to Bid / Wegmans County Road Improvements

An agreement needs to be done between some owners of the surrounding parcels within the county road improvements

- c. Fire Siren /Update

Spoke with Fire Chief Miller, siren can be moved to cell tower; will get prices for next meeting

- d. HVAC / Update

Possibly looking into a maintenance contract instead of replacement of entire unit

Pre-construction meeting set for January 4<sup>th</sup> for pool demolition

**ATTORNEY REPORT:**

Phil Boggia, Esq.

Report/Update

**UNFINISHED BUSINESS:**

- a. Montvale Swim Club/Inventory of Surplus Items/J. Fette/Buildings & Grounds

Green Park benches will be kept, the rest of the equipment will be put to auction.

- b. Status/Tabled Resolution/PVRHS Board of Education/Videotape/Public Meetings

Mayor Ghassali spoke with school superintendent, it will be presented to the board at their January meeting. As of now, the website has been changed.

**NEW BUSINESS:**

None

**COMMUNICATION CORRESPONDENCE:**

- a. NJ Sustainable Energy/Natural Gas Supply/Price Reduction 10% effective January 2017

**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 Curry – all ayes

NO PUBLIC COMMENT

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

Mayor Ghassali acknowledged Councilmember Talarico as this being his last meeting and thanked him for his 9 years of service.

**ADJOURNMENT:**

Motion to adjourn by Councilmember Lane; seconded by Councilmember Koelling – all ayes

**ADJOURNMENT**

Meeting adjourned at 8:20pm

**RE-ORGANIZATION MEETING, MONDAY, JANUARY 2, 2017 AT 7pm**

Special Meeting Closed Executive Session Affordable Housing Litigation/Attorney Client Privilege  
Tuesday, January 3<sup>rd</sup>, 2017 @ 5PM

The next Regular Meeting of the Mayor & Council will be held on January 10, 2017 at 7:30pm

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