

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:36 pm. 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 – absent	Councilmember Talarico
Councilmember LaMonica	Councilmember Weaver

Also present: Mayor Mike Ghassali; Borough Attorney, Phil Boggia; Borough Engineer, Chris Doer; Municipal Planner, Debbie Lawlor Administrator/Clerk, Maureen Iarossi-Alwan and Deputy Municipal Clerk, Fran Scordo

Eagle Scout Project Presentation: Evan Michaels, Boy Scout Troop 334: Bocce Ball Court/Community Center/Senior Club

The size of the court will be 60x10 feet with a cost of approximately \$3,000; he has been fundraising; should be completed by September; requesting permission to use recycle center to dump excess soil; Planning Board Chairman, John DePinto, was in attendance and suggested Evan contact Lorraine Hutter, Land Use Administrator, to include it on the site plan of the senior center.

MINUTES:

July 12, 2016

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

Councilmember Weaver suggested that going forward when residents make comments to include their names in the minutes.

MINUTES CLOSED/EXECUTIVE SESSION:

July 12, 2016

A motion to accept the minutes by Councilmember Lane; seconded by Councilmember LaMonica - all ayes with the exception of Councilmember Curry abstaining.

RESOLUTIONS:**127-2016 A Resolution Authorizing an Additional Contribution of \$2,000.00 in Furtherance of the Municipal Shared Services Defense Agreement**

WHEREAS, the Borough of Montvale previously entered into the Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action ("Litigation") that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision"); and

WHEREAS, the MSSDA required an initial contribution of \$2,000.00 per participating municipality to fund the services to be performed by Econsult Solutions as the group's common expert and for other services directly related to the purpose of the MSSDA; and

WHEREAS, the services rendered by Econsult and by various attorneys in furtherance of the purpose of the MSSDA previously exhausted the funds currently available to the group and necessitated the contribution of an additional \$2,000.00 per municipality; and

WHEREAS, the administrator of the MSSDA has again requested that each participating municipality contribute an additional \$2,000.00 in furtherance of the purpose of the MSSDA, due to on-going, critically-important legal battles that will have a profound impact on all New Jersey municipalities including Montvale; and

WHEREAS, on the recommendation of the Borough Attorney and Borough Planner, the Mayor and Council desire to authorize the additional contribution requested; and

WHEREAS, the 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 as follows:

1. The Borough hereby authorizes payment of an additional \$2,000.00 in furtherance of the purpose of the MSSDA, as requested by Jeffrey Surenian, Esq., administrator for the MSSDA.
2. If additional funds are needed to effectuate the intent and purpose of the MSSDA, no such funds shall be authorized without further action from the Borough of Montvale.
3. This Resolution shall take effect immediately.

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

128-2016 Awarding Professional Service Contract/Planning Services/Office & Research District Amendments/Municipal Planner/D.Green/Maser Consulting LLC

WHEREAS, the Borough of Montvale deems it necessary to engage the professional services of our Municipal Planner for the to assist with the drafting of zoning revisions related to the recommendations contained in the July 2016 Master Plan Reexamination Report , 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, Inc. 200 Valley Road, Suite 306, Mt. Arlington, NJ 07856 has submitted a detailed proposal dated July 7, 2016 which is attached to the original of this resolution; and

WHEREAS, the scope of work is provided in the attached proposal in a not to exceed amount of \$8,540.00 for these professional services other services will be billed at the hourly rate included in the Planner's professional service agreement between the Borough of Montvale and Maser Consulting; and

WHEREAS, the Certified Municipal Finance Officer certifies funds are available said certification is hereto attached to the original of this resolution; and.

BE IT FURTHER RESOLVED a copy of this resolution shall be published in an official newspaper of the Borough of Montvale, 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 LaMonica - All ayes

130-2016 Authorize Payment # 1 / Combined Project NJDOT Grant Project/Magnolia Avenue & Terkuile Road/D.L.S. Contracting Inc.

WHEREAS, The Borough of Montvale awarded a contracts via Resolution No. 165-2015 and and 184-2015 on June 10, 2014 in November and December of 2015 awarding contracts to D.L.S. Contracting, Inc for the NJDOT Municipal Aid FY2014 (Magnolia Avenue Section #2) and NJDOT Municipal Aid FY2015 (Terkuile Road) for road improvements; and

WHEREAS, the Borough Engineer in a detailed letter dated June 24, 2016 which is attached to the original of this resolution recommends to authorize release of Payment #1 as follows:

1) Magnolia Avenue \$112,830.69

2) Terkuile Road \$142,249.20

Total Amount \$225,079.89

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

Payment #1 in the amount of \$255,079.89 is hereby authorized to D.L.S. Contracting, Inc. 633 Franklin Avenue, Nutley, New Jersey 07110.

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

131-2016 Tax Court Settlement / H.E. Northgate, LP / Block 2801; Lot 1 / 15 Mercedes Drive

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by H.E. Northgate, LP (hereinafter the "Tax Appeal"), under Docket Numbers 004376-2013, 001337-2014, 005328-2015 and 001127-2016, and;

WHEREAS, the aforesaid tax appeal involves a commercial property located at 15 Mercedes Drive, and is otherwise referred to as Block 2801 Lot 1 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:

2013 Appeal: Withdrawn

2014 Appeal: \$8,940,000

2015 Appeal: \$9,200,000

2016 Appeal: \$8,850,000

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 Lane; seconded by Councilmember LaMonica - All ayes

132-2016 Authorize Refund of Non-Eligibility/Non-Participation/Summer Camp/V. Gadde

BE IT RESOLVED, the below individual is hereby granted a refund for non-participation and non-eligibility in The Montvale summer camp program.

Venkata Gadde \$200.00

Introduced by: Councilmember Lane; seconded by Councilmember LaMonica - 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.

129-2016 Authorize Hiring/Part Time Violations Clerk/Pascack Joint Municipal Court/M.

Bonilla

WHEREAS, the Pascack Joint Municipal Court desires to hire a part-time employee in the Borough of Montvale for the Pascack Joint Municipal Court in the capacity of Violations Clerk; and,

WHEREAS, Marc Bonilla has met the qualifications for this position, agrees to the terms and conditions of employment, and has 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 Part-time Violations Clerk, effective July 18, 2016.

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

BILLS:

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

ENGINEER'S REPORT:

Chris Doer

Report/Update

a. Eagle Ridge Sanitary Sewer Project

Project will begin early August

b. HVAC Bid Specs

Ready to advertise for bids and to award a contract by end of August

ATTORNEY REPORT:

Phil Boggia, Esq.

Report/Update

Will discuss amending Train station hours under New Business

UNFINISHED BUSINESS:a. Former Montvale Swim Club Board Members/Financial Status Information

The administrator gave councilmembers documents regarding, demolition, restoration and insurance quotes. Mayor Ghassali mentioned in order to bring it to code it would cost approximately \$500,000-\$750,000. Mayor continued the discussion by saying that there is potentially a million dollars that might be left over from the road improvements for the DePiero project that can be used to restore the existing pool. Mayor also stated that Peter Hekemian proposed that he would build a new pool as part of an amenity of his new project of the Mercedes property. As councilmembers discussed the two options that Mayor Ghassali mentioned, some suggestions were to consult with a pool management company from a neighboring town to see how they do it; if the borough would bond to pay for it see how much it would cost to pay down the debt and maybe the membership would pay for it; Poll the community to see the interest; Mayor Ghassali asked the council if they would be in support of having a pool, Councilmembers Lane, Curry and Weaver said yes and Councilmembers LaMonica and Talarico said no. Mayor Ghassali will do some more research and report back to the council with his findings.

NEW BUSINESS:a. Request Montvale Fire Department/Use of Community Center/Parking Lot Memorial Drive/Cancellation Of Field Use For The Day/Recycling Center Adjustment in Hours

Fire Chief is requesting to close the recycle center at Noon on September 24 for the Wet Down of the new firetruck; Councilmembers agreed and also mentioned to put on the website as well.

b. Montvale Train Station/Montvale Police Department /Complaints/Security

There is an individual living at train station; the Police Chief is requesting authorization for the attorney to draft an ordinance to lock the station at specific times; a motion by Councilmember Talarico to authorize drafting an ordinance; seconded by Councilmember LaMonica – all ayes

c. Montvale Planning Boards Master Plan Reexamination Report Dated July 6, 2016// Parking Garages, OR District and Assisted Living Facilities/ Adopted by Planning Board on July 19, 2016 M&C To Authorize Preparation of Ordinance by Municipal Planner & Borough Attorney

Reexamination report is included with original minutes; a motion to authorize the preparation of an ordinance by the Municipal Planner by Councilmember Lane; seconded by Councilmember Curry - all ayes

d. Request Montvale Board of Education / Permit Fee Waiver / Partial Roof replacement for Fieldstone School

Councilmembers agreed to waive the permit fee

Councilmember Lane wanted to bring attention to the council about an article that Cresskill passed an ordinance about short term rentals relating to Airbnb;

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 LaMonica – all ayes

Stacey Pinkwater

Nice to have amenities in the community; encouraged to consider a pool.

Ken, Maple Ave

He applauded the opportunity to brainstorm about the pool or other options; don't forget the people that are still owed bonds; Councilmember Lane stated maybe a question might be appropriate to ask the public; Councilmember Curry stated maybe a poll question could be put on the website.

Carolee Adams

Regarding the pool, it's not only for families but seniors too; Ms. Adams has sent numerous emails wanted to know if that is considered correspondence; Mayor Ghassali stated that we get a lot of correspondence and we list it on the agenda if it has to do with policies; Ms. Adams sent a report regarding the deer situation, she wanted to know what the council will do about the deer, Mayor Ghassali will call the State to see what they recommend; the book that Ms. Adams dedicated to the Police Department will be in the library; asked about the recent court ruling regarding COAH;

Jaret

Suggested maybe an ordinance limiting only two people per rental unit; thinks it's a bad idea to have Hekemian do a pool as an amenity but he is in favor of the project at Mercedes as a whole. Suggested to make a skate park where the pool is currently; Asked about the status of refunding the pool bonds.

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

ADJOURNMENT:

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

ADJOURNMENT

Meeting adjourned at 9:05pm

The next Meeting of the Mayor and Council will be held August 9, 2016 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk