

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:35pm. 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 Arendacs- via telephone	Councilmember Koelling
Councilmember Curry	Councilmember Lane - absent
Councilmember Gloeggler	Councilmember Russo-Vogelsang

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

ORDINANCES:

INTRODUCTION ORDINANCE NO: 2019-1468 CALENDAR YEAR 2019 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)
(Public Hearing 4-9-19)

A motion to Introduce Ordinance **2018-1468** for first reading was made by Councilmember Russo-Vogelsang; seconded by Councilmember Koelling; Clerk read by title only; Councilmember Koelling made a motion that this ordinance be passed on first reading and advertised in The Bergen Record; seconded by Councilmember Curry - A roll call was taken – all ayes

INTRODUCTION 2018 MUNICIPAL BUDGET: Resolution No. 82-2019

BE IT RESOLVED, that the following statement of revenues and appropriations attached hereto constitute the local budget of the Borough of Montvale, Bergen County, New Jersey for the year 2019.

BE IT FURTHER RESOLVED that said budget be published in The Bergen Record in the issue of

Introduced by: Councilmember Koelling; seconded by Councilmember Russo-Vogelsang
- a roll call vote was taken - all ayes

The CFO stated that the municipal portion of the budget for an average home assessed at \$522,000 will go down in the amount of \$4.25

MINUTES:

March 12, 2019

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

MINUTES CLOSED/EXECUTIVE SESSION:

March 12, 2019

A motion to accept the minutes by Councilmember Koelling; seconded by Councilmember Russo-Vogelsang - 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.

83-2019 Transfer of Appropriation Reserves

WHEREAS, certain transfer of funds for 2018 budget appropriation reserves are necessary to cover anticipated expenditures; and

WHEREAS, N.J.S.A. 40A:4-59 provides for transfers from appropriation reserves with an excess over and above the amount deemed to be necessary to fulfill the purpose for such appropriation reserves, to those appropriation reserves deemed to be insufficient;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the transfer be made between the 2018 budget appropriation reserves as follows:

	<u>FROM</u>	<u>TO</u>
<u>CURRENT FUND</u>		
GENERAL APPROPRIATIONS		
Operations - within "CAPS"		
Planning Board		
Other Expenses	\$25,000.00	
Legal Services and Costs:		
Other Expenses		\$25,000.00
Planning Board		
Other Expenses	10,000.00	
Engineering Services and Costs:		
Other Expenses		10,000.00
Employee Group Health	7,500.00	
Telephone		7,500.00
Employee Group Health	2,500.00	
Municipal Services Act:		
Other Expenses		2,500.00
	<u>\$45,000.00</u>	<u>\$45,000.00</u>
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84-2019 Emergency Temporary Appropriations

WHEREAS, an emergent condition has arisen with respect to certain budget appropriations and no adequate provision has been made in the 2019 temporary budget, and N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations for said purpose; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2019 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951) including this resolution total:

Current Fund \$1,409,907.00

MARCH 26, 2019

1. An emergency temporary appropriation be and the same is hereby made in the total amount of:

2. That said emergency temporary appropriation (will be) provided in the 2019 budget;

Government Services.

General Appropriations

Operations – Within “CAPS”

Historic Preservation Commission:

Other Expenses	250.00
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Environmental Commission:

Other Expenses	1,000.00
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Fire Hydrant Service	20,000.00
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21,250.00

Deferred Charges and Statutory

Expenditures – Municipal within “CAPS”

Statutory Expenditures:

Public Employees Retirement System	167,862.00
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Police and Fire Employees Retirement System	851,295.00
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1,019,157.00

General Appropriations

Operations – Excluded from “CAPS”

Shared Service Agreements

Police Dispatch / 911:

Other Expenses	50,000.00
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Department of Public Works:

Other Expenses	<u>150,000.00</u>
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200,000.00

\$1,240,407.00

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Lot 15 1 Olde Woods Lane

WHEREAS, at the Municipal Tax Sale held on October 25, 2018, a lien was sold on Block 302, Lot 15, also known as 1 Olde Woods Lane, for 2017 excess sewer charges; and,

WHEREAS, this lien, known as Tax Sale Certificate #17-00003, was sold to Francene Oprihory at 18% interest rate; and

WHEREAS, JP Morgan Chase on behalf of the owner of record has effected redemption of Tax Sale Certificate #17-00003 in the amount of \$464.65; 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 Tax Collector be and is hereby authorized to Redeem Certificate #17-00003 and send payment of \$464.65 to Francene Florio Oprohory Trust, P O Box 673, Saddle River, NJ 07458

WHEREAS, the Borough of Montvale requires professional booking services for the Montvale Cable TV Studio for the period January 1, 2019 through December 31, 2019; 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 television booking services be awarded to Kara Mayer Robinson, LLC., 14 John Street, Montvale, New Jersey 07645 in the amount of \$200.00 monthly not to exceed \$2,400.00 for the period January 1, 2019 through December 31, 2019;

WHEREAS, the Certified Municipal Finance Officer has provided funds to be available subject to the adoption of the year 2019 Municipal Budget; and

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

87-2019 Authorizing Resolution/LaTrenta Field Complex Infield/Synthetic Turf/Drainage System Replacement

BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale wish to enter into a Bergen County Trust Fund Project Contract ("Contract") with the County of Bergen for the purpose of using a \$65,000 matching grant award from the 2018 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the municipal park project entitled LaTrenta Field Complex Softball Infield, Turf Replacement located in The Borough of Montvale, on the tax maps of the Borough of Montvale; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Maureen Iarossi-Alwan, Borough Administrator/Municipal Clerk to be a signatory to the aforesaid Contract; and,

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about March 6, 2021; and,

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund's requirements; and,

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible construction costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund's requirements. Professional Service Costs may be reimbursed from grant award's unexpended balance, should there be a balance.

88-2019 Award Professional Service Contract /Engineering Services/Construction Observation Services/Borough Hall HVAC Upgrades/Maser Consulting

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to provide professional services for construction observation services for the HVAC Upgrades for Borough Hall; 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, 400 Valley Road, Suite 304, Mt. Arlington, NJ 07856 has submitted a proposal dated March 6, 2019 to provide the engineering services which are detailed and 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: Construction Observation Services
- 3) The cost not to exceed shall be \$30,000.00. 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.

89-2019 Authorize Release Of Performance Guarantee/KPMG LLP 3 & 75 Chestnut Ridge Road/Block 3102/Lot 1.01 and Block 2701 Lot 2

WHEREAS, KPMG has requested a Partial Performance Bond Release of their Performance Guarantee for Chestnut Ridge Road location; and

WHEREAS, a completed inspection of the site has been conducted by Maser Consulting P.A., which takes no exception to the Borough releasing the \$2,844,396.00 paper Performance Bond in full and partial of the \$316,044.00 of the cash portion of the guarantee retaining \$80,000.00 for porous pavement detailed letter dated January 25, 2019 from Borough Engineer, Andrew Hipolit has been made a part of this resolution; and

WHEREAS, as recommended by the Borough Engineer recommends the Borough of Montvale withholding \$80,000 for porous pavement to be acceptable and KPMG is requested to continue to work to develop a tree banking plan for the site improvements; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that Accounts Payable/Accounts Receivable Department is hereby authorized to release the cash in the amount of \$236,044.00 withholding \$80,000 as directed to KPMG LLP

90-2019 Authorize Release Of Irrevocable Letter of Credit/Release of Cash Bond Block 403 Lot 2 / 99 Spring Valley Road/99 LLC

WHEREAS, V& R Developers, 99 LLC, 2050 Center Avenue, Suite 410, Fort Lee, NJ 07024 has requested a final release of their Performance Guarantees for 99 Spring Valley Road; and

WHEREAS, a completed inspection of the site has been conducted by Maser Consulting P.A., which takes no exception to the release of the letter of Credit in the amount of \$359,373.24 from Connect One Bank and the cash bond in the amount of \$39,930.36 for this project subject a detailed letter dated February 22, 2019 from Borough Engineer, Andrew Hipolit which has been made a part of this resolution; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that Accounts Payable/Accounts Receivable Department is hereby authorized to release the cash performance guarantee for 99 LLC in the amount of \$39,930.36 to Russell Luppino, Jr. 99 LLC , 2050 Center Avenue, Suite 410 Fort Lee, New Jersey 07024

91-2019 Professional Service Contract For Professional Engineering Services/Boundary & Topographic Survey/Pascack Brook Trail Memorial Drive Complex/Block 2305/Lot 13

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer to prepare a boundary and topographic survey for the Pascack Brook Trail Project to establish a walking trail at the Borough's Memorial Drive Complex; 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, the Governing Body on February 15, 2019 through the Environmental Commission review and acceptance a proposal for various engineering services which is attached to the original of this resolution; and

WHEREAS, Boswell McClave Engineering , 330 Phillips Avenue, PO Box 3152, South Hackensack, NJ 07606-1722 has submitted a proposal for this portion of the work in the amount of \$16,300.00; and

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

- 1) That the contract for the boundary and topographic survey only as outlined in the February 15, 2109 proposal, attached, shall be awarded to Boswell McClave Engineering.

FURTHER RESOLVED that a copy of this resolution be published in The official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Borough Clerk, Borough Hall, 12 Mercedes Drive, Montvale, NJ 07645.

92-2019 RE: Appointment Regular Member / Montvale Fire Department / Cristobal D. Mota

WHEREAS, the Montvale Fire Department is desirous of adding a regular member; and

WHEREAS, Cristobal Mota of Montvale, NJ has been approved by the Board of Fire Commissioners and has undergone a satisfactory physical, pursuant to the attached application which has been made part of this resolution; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the appointment of Cristobal Mota, as a Regular Member of the Montvale Fire Department, is hereby approved

93-2019 Appointment Jr. Member / Montvale Fire Department / Joseph G. Mirza

WHEREAS, the Montvale Fire Department is desirous of adding a junior member; and

WHEREAS, Joseph Mirza of Montvale, NJ has been approved by the Board of Fire Commissioners and has undergone a satisfactory physical, pursuant to the attached application which has been made part of this resolution; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the appointment of Joseph Mirza, as a Jr. Member of the Montvale Fire Department, is hereby approved.

Introduced by: Councilmember Koelling; seconded by Councilmember Russo-Vogelsang

- a roll call was taken - all ayes

A motion to go into closed session by Councilmember Koelling; seconded by Councilmember Curry – all ayes

Motion to go into open session by Councilmember Koelling; seconded by Councilmember Curry – all ayes

94-2019 Resolution Authorizing a Settlement Agreement with Unimak, LLC in the Matter Captioned *Steel-Fab Systems v. Unimak, LLC and the Borough of Montvale, et al.*

WHEREAS, in 2016, the Borough of Montvale undertook a project to demolish and construct a new Fire House in the Borough (the “Project”), for which Unimak, LLC was awarded the contract after a public bid pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the Borough and Unimak entered into a certain Contract concerning the Project, which set forth the parties’ respective rights and responsibilities; and

WHEREAS, the Project achieved substantial completion on May 23, 2018; and

WHEREAS, Unimak and the Borough have asserted certain cross-claims against each other in the Litigation captioned *Steel-Fab Systems v. Unimak, LLC and the Borough of Montvale, et al.*, Docket No. BER-L-1945-18; and

WHEREAS, both Unimak and the Borough denied responsibility for the claims asserted by the other party and continue to do so;

WHEREAS, the parties engaged in Mediation with Peter E. Doyne, a retired Superior Court Judge; and

WHEREAS, to avoid the cost and uncertainty of litigation, the parties have agreed to a settlement of any and all claims which the parties have or may have against each other.

WHEREAS, the Mayor and Council have been advised by counsel of the terms and conditions of such a settlement with Unimak, LLC, and a proposed Settlement Agreement and General Release has been executed by representatives for Unimak, LLC; and

WHEREAS, upon execution of said Settlement Agreement, and upon satisfaction of certain conditions set forth therein, the Litigation shall be settled by and between all parties.

NOW, THEREFORE, BE IT RESOLVED that the settlement in the above-referenced Litigation is hereby approved by the Mayor and Council; and

BE IT FURTHER RESOLVED that the Mayor, Borough Clerk and all other appropriate officials are hereby directed, authorized and empowered to execute the Settlement Agreement and General Release and to execute all other documents and to take all steps reasonably necessary to effectuate the purposes of this resolution, subject to approval as to form by the Borough Attorney.

Introduced by: Councilmember Koelling; seconded by Councilmember Curry - all ayes

BILLS: *Municipal Clerk read the Bill Report*

Motion to pay bills by Councilmember Koelling; seconded by Councilmember Russo-Vogelsang

- all ayes

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

Mr. Hipolit mentioned he would like approval to start preparing the bid documents for the road improvement program and to start the process for new tax maps; a motion to approve by Councilmember Koelling; seconded by Councilmember Russo-Vogelsang – all ayes

Mentioned the pre-construction meeting is set for Thursday, March 28 for the HVAC/VAV project

ATTORNEY REPORT:

Joseph Voytus, Esq.

Report/Update

No report

UNFINISHED BUSINESS

None

NEW BUSINESS:**a. Snow Removal/Update of Code Book/Property Maintenance Request To Change 12 Hours to 24 Hours After a Storm for Snow/Ice Removal On Sidewalks**

Clerk explained, at the request of the construction official, to amend ordinance to allow residents to remove snow from 12 hours to 24 hours; it was agreed by councilmembers to amend the ordinance, a motion by Councilmember Koelling; seconded by Councilmember Russo-Vogelsang – all ayes

Councilmember Curry mentioned that currently if a homeowner would like to build a basketball court on their property, they would have to go before the planning board for approvals; after a brief discussion the councilmembers agreed to have the borough attorney speak with the borough planner for specifications to amend what is currently on record to concur with the process of installing a tennis court and or pool.

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

NO PUBLIC COMMENT

A motion to close meeting to the public by Councilmember Russo-Vogelsang; seconded by Councilmember Curry – all ayes

MOTION TO GO INTO CLOSED EXECUTIVE SESSION:

A motion to go into closed session by Councilmember Koelling; seconded by Councilmember Curry – all ayes

CLOSED/EXECUTIVE SESSION:

Motion to move into Executive Session as provided for by Resolution No. 15-2019 adopted on January 1, 2019 and posted on the bulletin board in the Municipal Building:

The Mayor and Council will go into a Closed /Executive Session for the following:
Attorney/Client Privilege

1. Porzio Bromberg & Newman, P.C.

Minutes to be disclosed as per the Open Public Meetings Act and Resolution No. 15-2019 matters discussed will be disclosed to the public when such matters are finally determined and there is no reason to prohibit the public disclosure of information relating to such matters.

ADJOURNMENT:

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

Budget Public Hearing: April 30, 2019

The next Meeting of the Mayor and Council will be held April 9, 2019 at 7:30 p.m.

Meeting adjourned at 8:10pm

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk