

PUBLIC MEETING
MINUTES

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 8:00 PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Clint Miller 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/or 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: Mayor Mike Ghassali; Borough Attorney, Joe Voytus; Borough Engineer, Andrew Hipolit; Administrator/Municipal Clerk, Maureen Iarossi-Alwan; and Deputy Municipal Clerk, Fran Scordo

ROLL CALL:

Councilmember Arendacs
Councilmember Curry
Councilmember Gloegler

Councilmember Koelling
Councilmember Lane
Councilmember Weaver

67-2018 Approving a Settlement Agreement in the Litigation Captioned Bergen Rockland Eruv Association, Sarah Berger, Moses Berger, Chaim Breuer, Joel Friedman, Arya Rabinovits, Yosef Rosen and Tzvi Schonfeld v. The Borough of Montvale, No. 2:17-cv-08632 and Authorizing the Mayor to Execute Said Agreement

WHEREAS, in 2017, litigation was filed captioned *Bergen Rockland Eruv Association, Sarah Berger, Moses Berger, Chaim Breuer, Joel Friedman, Arya Rabinovits, Yosef Rosen and Tzvi Schonfeld* (“Plaintiffs”) v. *The Borough of Montvale*, No. 2:17-cv-08632; and

WHEREAS, Plaintiffs asserted a constitutional right to erect and maintain an eruv within the territorial boundaries of the Borough of Montvale and made certain other allegations concerning the Borough of Montvale; and

WHEREAS, the Borough has denied or otherwise disputed the allegations asserted by Plaintiffs, in whole or in part; and

WHEREAS, Bergen Rockland Eruv Association (“BREA”) filed similar litigation against the Township of Mahwah and the Borough of Upper Saddle River; and

WHEREAS, Upper Saddle River moved to dismiss the complaint in its litigation on numerous grounds similar to those at issue in Montvale’s Litigation, and BREA moved for injunctive relief against Upper Saddle River to compel the erection of the eruv referenced in the complaint; and

WHEREAS, during a preliminary hearing on said motions, United States District Court Judge John Michael Vazquez, U.S.D.J. strongly urged BREA and Upper Saddle River, as well as Mahwah and Montvale, to “sit down and try and reach an amicable resolution,” and he further stated that all parties should be able to reach a resolution “if they’re willing to be reasonable”; and

WHEREAS, in order to avoid the cost and uncertainty of litigation, the parties have engaged in settlement discussions over the course of many months in an attempt to reach an amicable resolution of the Litigation; and

WHEREAS, the Mayor and Council have been advised of the terms of a Settlement Agreement with the Plaintiffs that would settle the Litigation between the Plaintiffs and the Borough of Montvale; and

WHEREAS, the Governing Body is desirous of approving the terms of said Settlement Agreement and authorizing the Mayor to execute same on behalf of the Borough of Montvale.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body does hereby approve the terms of the Settlement Agreement discussed, subject to approval as to form by the Borough Attorney; and **BE IT FURTHER RESOLVED** that the Governing Body does authorize, empower and direct the Mayor to execute said Settlement Agreement; and does authorize, empower and direct all other Borough officials and employees to take all steps necessary to effectuate the purposes of provisions of this Resolution.

Introduced by: Councilmember Lane; seconded by Councilmember Curry - All ayes
The attorney gave a brief explanation about the settlement; there is a two year stipulation, \$10,000 attorney's fee; the same deal as Mahwah and Upper Saddle River

A motion to open the meeting to the public on resolution 67-2018 by Councilmember Lane; seconded by Councilmember Koelling – all ayes

Concerned residents from Lark Lane, Bradley Lane, Wren Way and Raven Road stated that the borough should have fought this more; why not use the first plan “A”; why only 2 years; tomorrow another organization can sue;

A motion to close the meeting to the public resolution 67-2018 by Councilmember Lane; seconded by Councilmember Koelling – all ayes

Councilmembers commended the Mayor and borough attorney for putting a lot of time and effort negotiating to make this work; thanked the residents for getting involved; this is their constitutional right and will not be upheld in court;

The Economic Retention Committee suggested Murphy Partners to come and present what they do and how they can help Montvale

Murphy Partners:

“Utilizing New Jersey’s Redevelopment Law as an Effective Economic Development Tool”
provide a brief overview of the State’s Redevelopment Law, and describe how it can be used as an effective economic development tool to spur development and job growth as part of a municipality’s overall economic development strategy.

ORDINANCES:

INTRODUCTION ORDINANCE NO. 2018-1443 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 56 OF THE BOROUGH CODE IN ORDER TO REVISE THE REQUIREMENTS RELATED TO PERFORMANCE AND MAINTENANCE GUARANTEES FOR ON-TRACT IMPROVEMENTS

(Public Hearing 2-27-18)

The borough attorney explained that due to a new regulation adopted by the Christie administration in December 2017, this ordinance needs to be in place

A motion to Introduce Ordinance **2018-1443** for first reading was made by Councilmember Weaver; 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 The Ridgewood News; seconded by Councilmember Koelling - A roll call was taken – all ayes

PUBLIC HEARING ORDINANCE NO. 2018-1442 AN ORDINANCE TO AMEND ORDINANCE NO. 2017-1426 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

AN ORDINANCE TO AMEND ORDINANCE NO. 2017-1426 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

BE IT ORDAINED BY the Mayor and Council of the Borough of Montvale as follows:

SECTION 1. Each of the offices and positions of employment hereinafter named that are not established or created by virtue of any statutes or of any ordinance, resolution, or other lawful authority heretofore exercised by the Borough of Montvale, is hereby established, created, ratified and confirmed.

SECTION 2. The rate of compensation of the persons holding any of the hereinafter named offices and positions of employment whose compensation shall be on an annual basis and shall be payable semi-monthly is hereby fixed and determined to be as set opposite the title of each of the hereinafter named offices and positions of employment.

Title		2018 Salary Range	
1.	Borough Administrator (PT)	\$42,000	51,000
2.	Safety Director	\$5,000	7,000
3.	Chief Financial Officer (PT)	\$15,000	25,000
4.	Municipal Clerk (PT)	\$70,000	93,000
5.	Deputy Municipal Clerk (PT)	\$38,000	49,000
6.	Floater/ Admin. Assistant to Administrator	\$40,000	46,000
7.	Tax Collector (PT)	\$53,000	65,000
8.	Tax Assessor	\$33,000	36,000
9.	Treasurer	\$75,000	86,000
10.	Accountant/Purchasing Agent	\$64,000	73,000
11.	Accounts Payable Clerk	\$50,000	\$54,000
Title		2018 Salary Range	
12.	Accounts Payable Clerk (PT)	\$25	\$30/hour
13.	Secretary, Planning Board (PT)	\$70,000	83,000
14.	Planning Board Secretary Special Meetings	\$45	\$60/hour
15.	Board Secretary, Clerical/Recording	\$130	\$150

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16.	Office Manager (PT)	\$4,000 - 7,000
17.	Registrar Vital Statistics	\$800 - 1,200
18.	Deputy Registrar Vital Statistics	\$250 - 600
19.	Construction Code Official	\$35,000 - 50,000
20.	Building Sub Code Official	\$35,000 - 50,000
21.	Building Inspector	\$25 - \$55/hour
22.	Zoning Officer	\$8,000 - 10,000
23.	Property Maintenance Officer	\$2,900 - 5,000
24.	Construction Dept. Control Person	\$40,000 - 60,000
25.	Plumbing Sub Code Official	\$ 22,000 - 28,000
26.	Plumbing Inspector	\$25 - \$50/hour
27.	Fire Sub Code Official	\$13,000 - 17,000
28.	Fire Sub Code Official special inspections	\$25 - \$50/hour
29.	Electrical Sub Code Official	\$32,000 - 43,000
30.	Electrical Sub Code Official special inspections	\$25 - \$50/hour
31.	Fire Prevention Official	\$10,000 - 15,000
32.	Fire Inspector/Sr. Fire Inspector	\$6,000 - 10,000
33.	Municipal Court Administrator	\$65,000 - 77,000
34.	Deputy Municipal Court Administrator	\$38,000 - 49,000
35.	Court Security	\$18 - \$27/hour
36.	Violations Clerk (PT)	\$20 - \$30/hour
37.	Police Secretary	\$37,000 - 47,000
38.	Administrative Assistant for Police Chief	\$42,000 - 55,000
39.	Administrative Assistant for Mayor / Floater (PT)	\$15 - \$25/hour
40.	Emergency Mgmt. Coordinator	\$3,000 - 6,000
41.	Library Director	\$80,000 - 97,000
42.	Library – Youth Services Coordinator	\$40,000 - 57,000
43.	Library (PT)	\$13 - \$50/hour
44.	Library (PT) meetings	\$120 - \$225/mtg
45.	Facilities Building & Property Inspector	\$25,000 - 29,000
46.	Director, Public Assistance	\$5,000 - 7,000
47.	Director of Recreation	\$52,000 - \$56,000
48.	Van Drivers (PT)	\$17 - \$23/hour
49.	Station Technicians (PT)	\$15 - \$17/hour

SECTION 3. The rate of compensation of the persons holding any of the hereinafter named offices, whose compensation shall be on an annual basis and payable semi-monthly, is hereby fixed and determined as follows:

Title		2018 Salary Range	
A.	Municipal Judge	\$25,000 -	40,000
B.	Mayor	\$6,990 -	10,000
C.	Councilpersons (each)	\$5,689 -	8,000

SECTION 4: The rate of compensation of persons holding any of the hereinafter named offices in the Police Department, whose compensation shall be on an annual basis, and payable semi-monthly, is hereby fixed and determined as follows:

Title		2018 Salary Range	
A.	Chief	\$190,000 -	210,000
B.	Captain	\$180,000 -	195,000
C.	Lieutenant (Base Wage)	\$152,972 -	156,032
D.	Sergeants (Base Wage)	\$142,350 -	145,197
E.	Detective – Additional per year	\$400 -	2,100
F.	Juvenile Officer – Addt'l per year	\$400 -	
G.	Asst. Juvenile Officer – Addt'l per year	\$350 -	
H.	Special Police Officer Class III	\$40,000	\$43,000
I.	Special/Auxiliary Police	\$18/hour -	\$23/hour
J.	School Cross Guard/Police Matrons	\$18/hour -	\$23/hour

SECTION 4A: The rate of compensation of persons holding any of the hereinafter named offices in the Police Department, hired AFTER January 1, 2005, whose compensation shall be on an annual basis, and payable semi-monthly, is fixed and determined as follows:

Police Officers Schedule (Base Wage Each) Per Contract hired AFTER January 1, 2005			
0-6 months	\$43,369 -	44,236	
6 months – 1 year	\$49,671 -	50,664	
1 – 2 years	\$55,971 -	57,091	
2 – 3 years	\$68,572 -	69,943	

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3 – 4 years	\$81,173 - 82,797
4 – 5 years	\$93,773 - 95,649
5 – 6 years	\$106,374 - 108,501
6 – 7 years	\$118,976 - 121,356
7 – 8 years	\$131,576 - 134,208

SECTION 4B: In addition to the compensation stated above, Full Time Employees in Section 4 and Section 4A, shall be paid an annual longevity increment pursuant to the following schedule:

Years of Service	Officers Hired BEFORE January 1, 2005	Officers Hired AFTER January 1, 2005
After four (4) years	1%	-
After six (6) years	2%	-
After eight (8) years	3%	1%
After ten (10) years	4%	2%
After twelve (12) years	5%	3%
After fourteen (14) years	6%	4%
After sixteen (16) years	7%	5%
After eighteen (18) years	8%	6%
After twenty (20) years	-	7%
After twenty-two (21) years	-	8%
After twenty-three (23) years	9%	9%

SECTION 5. The Borough Treasurer shall present semi-monthly or as established by Resolution to the Governing Body for approval warrants drawn to the order of the Borough of Montvale Payroll Account and the Borough of Montvale Salary Account.

At the first meeting of the Governing Body in January of each year, there shall be approved accounts to be designated "The Borough of Montvale Payroll Account" and "The Borough of Montvale Salary Account" and from time to time the Borough Treasurer upon receipt of a warrant for the amount due each Payroll, shall deposit the same to the credit of these accounts, charging the appropriate budgetary accounts therewith. The Borough Treasurer shall thereafter draw checks on said accounts to the employees entitled to payment therefrom.

Any employee hired under the terms of a Special Library Grants, salary will be determined by the Authority making such grant.

The Mayor and Borough Council may by adoption of a resolution and by approved payroll advice, increase compensation (base wage adjustment or one-time merit/bonus increase) of any salaried

employee in the above schedule, who has reached their maximum, up to 10% above the pay range maximum.

At each regular meeting of the Governing Body of the Borough of Montvale, the Treasurer shall submit for the approval or ratification as the case may be, the necessary payroll amounts due to the several officers and employees for compensation.

Such officers as may be determined by the Governing Body, as established by resolution, shall be authorized to sign warrants drawn in favor of the Payroll Account, upon due notice that the payrolls have been approved by the proper certifying authorities.

SECTION 6. This ordinance shall be operative as of January 1, 2018, and salaries paid shall be adjusted in accordance with the terms of this ordinance.

SECTION 7. All other ordinances and parts of ordinances inconsistent herewith are hereby appealed.

SECTION 8. This ordinance shall take effect immediately upon publication in the manner provided by Law.

Ordinance No. **2018-1442** was introduced for second reading by Councilmember Weaver; seconded by Councilmember Lane; Clerk read by title only;

Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Koelling
- all ayes

NO PUBLIC COMMENT

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Koelling
- all ayes

Motion to adopt on Second and Final Reading in Ridgewood News by Councilmember Lane; seconded by Councilmember Koelling ; Clerk read by title only ----- A roll call vote was taken --- all ayes

MEETING OPEN TO PUBLIC:

Agenda Items Only

Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Curry
- all ayes

NO PUBLIC COMMENT

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Koelling
- all ayes

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

January 30, 2018

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

Councilmember Curry would like to add a comment under the resolution 60-2018; Councilmember Curry stated that at a past meeting Councilmember Weaver mentioned about putting a speed bump on Memorial Drive, Councilmember Curry asked if that can be considered.

MINUTES CLOSED/EXECUTIVE SESSION:**January 30, 2018**

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

RESOLUTIONS:**62-2018 Emergency Temporary Appropriations**

WHEREAS, an emergent condition has arisen with respect to certain budget appropriations and no adequate provision has been made in the 2018 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 2018 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951) including this resolution total:

Current Fund	\$104,500.00
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NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

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

Current Fund	\$40,000.00
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2. That said emergency temporary appropriation (will be) provided in the 2018 budget;
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

CURRENT FUND

General Appropriations	
Operations – Within “CAPS”	
Public Buildings and Grounds:	
Other Expenses	\$10,000.00
General Appropriations	
Operations – Excluded from “CAPS”	
Shared Service Agreements:	
Pascack Valley Regional School District:	
Special Police Officers III	<u>30,000.00</u>
	\$40,000.00
	=====

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

63-2018 Resolution Establishing a Policy in the Borough of Montvale Concerning Requests for Refunds of Pre-Payment of Third and Fourth Quarter Property Taxes

WHEREAS, as a result of a recent change in Federal tax deductions for State and local taxes, some residents voluntarily chose to pre-pay a portion of their 2018 property taxes; and

WHEREAS, as a result of subsequent IRS guidance on the subject, a number of taxpayers have been seeking refunds of these pre-payments made towards the third and fourth quarter property taxes for 2018; and

WHEREAS, the New Jersey Division of Local Government Services, after consultation with the Attorney General’s office, issued certain guidance to municipalities concerning whether municipalities

may authorize a refund of the pre-payments made towards the third and fourth quarter property taxes for 2018; and

WHEREAS, the Borough of Montvale has determined that such refunds are consistent with applicable law and that such pre-payments were made in "excess if the tax or assessment levied"; and

WHEREAS, the Borough is therefore desirous of establishing a policy pertaining to such refund requests.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Montvale does hereby establish a policy to allow the refund of pre-payments made towards third and fourth quarter 2018 property taxes, subject to the following terms and conditions:

1. A property owner who has made a pre-payment towards third and fourth quarter 2018 property taxes may request a refund of such payments in writing, addressed to the Borough of Montvale Tax Collector.
2. Upon receipt of a request for a refund, the Tax Collector shall request from the property owner a completed W-9 form.
3. Upon receipt of a completed W-9, the Tax Collector shall advise the Governing Body of the refund request and of the amount to be refunded.
4. The Governing Body shall thereafter adopt a resolution authorizing the refund.
5. After adoption of the required resolution, the refund shall be issued to the property owner, along with a 1099 form reflecting the amount refunded.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

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

64-2018 A Resolution Authorizing a Settlement Agreement in the Matter Captioned Libock v. Bear-Ban Developers, Borough of Montvale, Planning Board of the Borough of Montvale, et al.

WHEREAS, in 2015, Plaintiffs Michael and Linda Libock filed an action against the Borough of Montvale, the Planning Board of the Borough of Montvale and other co-defendants entitled *Libock v. Bear-Ban Developers, Borough of Montvale, Planning Board of the Borough of Montvale, et al.* in the Superior Court of New Jersey, Bergen County, Law Division, Docket No. BER-L-8864-15, containing various causes of action in connection with a drainage swale on Plaintiffs' property; and

WHEREAS, the Borough and the Planning Board denied all allegations made by Plaintiffs; and

WHEREAS, the Court subsequently dismissed the claims against the Planning Board; and

WHEREAS, in order to avoid the uncertainty and expense of litigation, Plaintiffs and Defendants desire to settle with prejudice all claims, disputes or causes of action which may exist between them, including those that were or could have been asserted in the Litigation; and

WHEREAS, the Mayor and Council have been advised by counsel of the terms and conditions of such a settlement with Plaintiffs, subject to agreement on and execution of a final Settlement Agreement and other related documents; 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 authorized and empowered to take all steps and to execute all documents 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 Lane - All ayes
Councilmember Weaver asked if there is a cost to the borough; the engineer stated that the DPW can do the maintaining of it at a minimal cost to the borough

65-2018 Appointment Tax Assessor/Raymond Tighe

WHEREAS, the Borough of Montvale is desirous in hiring a certified Tax Assessor; and
WHEREAS, Raymond Tighe meets the qualifications for this position and agrees to the terms and conditions of employment; and
WHEREAS, this appointment is for a four year term; 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 in the position of Tax Assessor for the Borough of Montvale effective February 20, 2018.

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

66-2018 Authorize Release of Escrow / Block 2002; Lot 3 / Nordic Contracting, Inc./LSREF4 Rebound

WHEREAS, Nordic Contracting, Inc. 111 Howard Boulevard, Ledgewood, NJ 07852 has requested release in escrow for Block 2002; Lot 3, for escrow posted for LSREF4 Round LLC, 5 Paragon Drive, Montvale ; and
WHEREAS, the Borough Engineer and other Borough professionals take no exception to the release; and
NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale the amount of \$8,663.09 is hereby released to Nordic Contracting, Inc.; and
BE IT FURTHER RESOLVED, the Treasurer shall receive a copy of this resolution for processing.

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

68-2018 Refund Tax Pre-Payments / Various Parcels

WHEREAS, a resolution authorizing the Borough of Montvale to refund an overpayment of taxes for the properties located at:
3 Edgren Way, also known as Block 1201, Lot 33
61 Autumn Way, also known as Block 302, Lot1, C0038
39 Donnybrook, also known as Block 1302, Lot 3
WHEREAS, due to pre-payment of 2018 taxes, homeowners decided only to pre-pay first half of 2018 and not the entire year of 2018; and
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 following:
Karl Nelson, 3 Edgren Way, in the amount of \$7,456.00
Brandon Paradise, 61 Autumn Way, in the amount of \$6,085.67
Aviv Efrat, 39 Donnybrook Road, in the amount of \$26,049.00

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

69-2018 Approval of Payment/Affordable Housing Trust Fund/Block 1606/Lot 6 and 6.02/Special Needs Housing/Affordable Senior Housing

WHEREAS, by resolution dated January 6, 2015, site plan approval, minor subdivision approval, variances, waivers and other relief were granted to BCUW/Madeline Housing Partners, LLC ("the applicant") relating to premises known as Block 1606, Lots 6 and 6.02 as depicted on the Borough tax map, being more commonly known as 11 Grand Avenue East ("the property"); and

WHEREAS, said approvals permit the construction of four (4) units of special needs housing and the retrofitting of the existing former Library/School No. 2 property for ten (10) affordable senior housing units; and

WHEREAS, the applicant is a non-profit entity and the units to be realized from the approvals will be entirely affordable units available to persons of low and moderate income; and

WHEREAS, the applicant has requested that the Borough provide \$80,000.00 from the Borough's Affordable Housing Trust Fund to assist in the development of the project, which is an entirely affordable housing development and included in the Borough's Housing Element and Fair Share Plan.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale that it does hereby approve the payment of the \$80,000.00 out of the Borough's Affordable Housing Trust Fund; and

BE IT FURTHER RESOLVED that the Mayor, Borough Clerk, Borough Treasurer, and such other officials as may be required, be and are hereby authorized to execute any and all documents, including authorization of payment to effectuate the terms of the within resolution.

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

70-2018 Award Professional Service Contract /Engineering Services /Additional Construction Observation Services/ 2017 Roadway Improvement Program/Maser Consulting

WHEREAS, the Borough of Montvale awarded a contract on April 25, 2017 via Resolution 95-2017 to engage the professional services of an Engineer to provide professional services to design, construction observation services and bidding municipal road improvements for the 2017 Roadway Improvement Program; 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 January 25, 2018 to provide for additional construction observation services as 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: Additional Construction Observation Services 2017 Road Improvement To Various Roads
- 3) The cost not to exceed shall be \$24, 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.

Account No. C-04-55-425-A00

Not To Exceed: 24,500.00

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

71-2018 Award Professional Service Contract /Engineering Services / Construction Observation Services/Montvale Intersection Improvements Awarded Alternate B Portion Chestnut Ridge Road Widening Maser Consulting

WHEREAS, the Borough of Montvale awarded a contract via Resolution 92-2017 to New Prince Concrete for the Montvale Intersection Improvements Project for the Base Bid Plus Alternate B

WHEREAS, the Borough of Montvale has a need for construction observation services in connection with the awarded Alternate B for this portion of the project; 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 January 24, 2018 to provide for construction observation services as 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/construction observation 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 Montvale Intersection Improvements Awarded Alternate B
- 3) The cost not to exceed shall be \$38,500.00. 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.

Account No. C-04-55-425-A00

Not To Exceed: 38,500.000

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

72-2018 Awarding Professional Service Contract/Expanded Engineering Services/Site Design/Easement Description/Survey/Construction Observation Services/Montvale Firehouse/ Maser Consulting, LLC

WHEREAS, the Borough of Montvale awarded a contract on August 30, 2016 via Resolution No. 139-2016 to engage the professional services of an Engineer to provide professional engineering services for on- site construction observations services on the Montvale Fire House site 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 January 24, 2018 to provide expanded professional engineering services which are 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 professional 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: Site Design/Easement Description Survey/Construction Observations Services
- 3) The cost not to exceed shall be \$28, 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.

Account: C-04-55-405-A00

Not to Exceed: 28, 500.00

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

73-2018 Authorize Change Orders No. 12 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 approved said change order based on the contract as per the documentation transmittal dated February 5, 2018 which is attached to the original of this resolution; and

WHEREAS, Change Order 12 is hereby authorized in the amount of \$3,728.65 to be issued to Unimak, LLC, 82 Midland Avenue, Saddle Brook, NJ 07663 Franklin Avenue, Suite 170 Nutley, NJ 07110-1209; 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
Balance, Including Retainage	\$3,350,955.08 as of 11/7/16
Balance w/credit Change Order 2	\$3,347,870.08 Reso.188-2016
Change Order 3	\$0
Payment	\$273,771.34 Resolution 194-2016 Payment #6

Payment	\$156,559.10	Resolution 53-2017	Payment #7
Payment	\$204,912.37	Resolution 61-2017	
Payment	\$56,208.60	Resolution 84-2017	
Payment	\$156,514.40	Resolution 106-2017	
Payment	\$130,624.90	Resolution 124-2017	
Payment	\$146,617.80	Resolution 129-2017	
Change Order 4	\$44,085.25	(6" Water Service)	
Change Order 5	\$31,792.00	(Cupola)	
Payment	\$197,738.03	Resolution 162-2017	
Payment	\$252,873.27		
Change Order 6	\$7,328.75		
Change Order 7	\$66,158.32		
Change Order 8	\$12,600.12		
Change Order 9	\$10,530.85		
Change Order 10	\$20,238.61		
Change Order 11	\$ 7,931.96		
Change Order 12	\$ 3,728.65		

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

74-2018 Setting Forth Summer Camp Fees and Extended Hours Year 2018

WHEREAS, the Recreation Director has recommended summer camp extended hours and fees be set for as stated below; and

Summer Camp

9:30 a.m. to 2:30 p.m.

\$320/CHILD
\$960/FAMILY MAXIMUM

Non-resident

\$380/CHILD
\$1140 FAMILY MAXIMUM

\$30 Additional Fee after registration period. \$25 late charge for every 15 minutes a child is left under care after dismissal. Payment shall be made directly to the Camp Director or Asst. Director and turned over to the Borough of Montvale.

Introduced by: Councilmember Lane; seconded by Councilmember Curry - a roll call was taken and all councilmembers voted yes with the exception of Councilmember Weaver voting no

Councilmember Weaver asked for clarification if this is a final decision to extend summer camp; he is displeased as to how this came about; he thought this was up for discussion and it was advertise on February 1 before it was approved; Councilmember Lane stated that we did advertise ahead of schedule in error; Councilmember Arendacs stated that a lot of parents are in favor of the extended hours; the attorney stated to add this line "NOW THEREFORE BE IT RESOLVED, By The Mayor And Council Of The Borough Of Montvale Hereby Approve Extended Hours And Summer Camp Fees For The Year 2018" onto the original resolution

75-2018 A Resolution Appointing Lorraine Hutter as the Municipal Housing Liaison for the Borough of Montvale

WHEREAS, the Borough of Montvale has petitioned the Superior Court of New Jersey for a Declaratory Judgment that it has met its constitutional obligation to provide its fair share of the regional need for very low-, low-, and moderate-income housing; and

WHEREAS, the Court held a Fairness Hearing on January 25, 2018, concerning the Borough of Montvale's Settlement Agreements with Fair Share Housing Center and three developer-intervenors, and approved said agreements by Order dated February 12, 2018; and

WHEREAS, the Governing Body of the Borough of Montvale has determined to appoint and designate Lorraine Hutter as its Municipal Housing Liaison, to fulfill the duties set forth in Borough Code §2B-3, which creates the position of Municipal Housing Liaison;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Montvale, that the Borough of Montvale hereby appoints Lorraine Hutter as its designated Municipal Housing Liaison.

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

BILLS: Municipal Clerk read the Bill Report.

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

REPORT OF REVENUE: Municipal Clerk read the Report of Revenue – January

COMMITTEE REPORTS:**Council President Koelling****Tri-Boro**

Montvale logged: 45 calls; 618 miles; 40 crew hours

Police

Monthly report included in original minutes

Environmental Commission

Tree ordinance is near completion; wanted to mention it will only affect residents that require a building permit; you will be allowed to trim your trees; mentioned about a new fence by school #2;

Councilmember Weaver**Regional High School Board**

There have been conversations regarding Woodcliff Lake's efforts to withdraw from Pascack Valley; hosted 14 students from Taiwan; had discussions regarding potential school growth at Memorial school, which they will work with an architect and demographer; at this time the high school can accommodate 200 additional students;

Economic Development

Still working to maintain contact with major corporations; Hosting an event at the Senior Community Center on Healthcare Industry Session, March 14th 6-9pm

Councilmember Arendacs

DPW

Commend the DPW and its staff with the last ice storm; would like to commend the residents on recycling;

Recreation/Special Events

Egg coloring event March 24; Day in the Park is scheduled for June 16 rain date June 17; new program adult co-ed soccer March 18 through May 13 on Sundays 5-7pm; tennis badges will be available March 1st

Engineering

2017 road program should start in March; Fieldstone turf replacement is on going

Councilmember Curry

Board of Health

Remind residents to get a flu shot

Seniors

Will have their Valentine's Day dance with Dick Voorhees as DJ; over 100 members

Construction

24 property maintenance violations were issued, mostly due to snow removal;

Chamber of Commerce

They meet every first Wednesday of each month; next networking event will be on March 7 at the Spine and Health Center, 25 Kinderkamack Road; Street Fair is scheduled for June 10; the new digital sign has an electrical short and will be fixed soon;

Planning Board

Site plan review has begun for the Mercedes property; signage has been approved for Memorial Sloan; Restaurant Associates are now in the KPMG building;

Councilmember Gloeggler

Local BOE

Some area school districts have a new program of bringing different authors to come to the schools and the community – all are welcomed;

TV Access

Next TV series, interviewing music director of Pascack Hills, this year's play is Rent; also interviewing Dr. Petersen and Councilmembers Curry and Koelling;

Worked with an organization called "Montvale For All" on Martin Luther King Day helping them make up 18 food baskets and donated them to families in need in Montvale and Park Ridge

Councilmember Lane

Fire Department

30 calls; 2 drills; 250 volunteer man hours

Firehouse Update

Finishing touches are being done with an opening coming soon; would like to remind residents to shovel out fire hydrants

Finance

Encouraged residents to come to the budget meetings, they are open to the public; next meeting will be held February 27 and March 13

MAYOR

Library

Circulation 8,677; 4,951 patron visits; 17 cards issued; 1040 forms are available at the library;

Report

Exciting news, TV's have been installed in the court room to be used to show presentations, architectural plans, etc.; met with the County Executive, will be spending \$13 million dollars on county roads; also mentioned about shared services; Congressman Josh Gottheimer is working to pass legislation in response to the new tax laws and property taxes; the Mayor's Advisory Committee is working on a town wide survey, they are compiling information as to what questions to ask; working on making it electronic

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

Waiting on the Upper Saddle River Road culvert to be delivered; weather permitting will start early March; will get some quotes in regards to Huff Pond and what needs to be done; Maser follows all grants regarding recreation and environmental issues, once they become available, they will forward them to the administrator; the borough hall HVAC, will have a report by next meeting; Councilmember Weaver asked about getting quotes for Memorial field backstops; the school is on board to do the path;

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

The bids for the towing service have been advertised; will advertise for the TV Access project; received documents regarding the 79 W Grand property, will go over it with Jeff Fette, construction official, to see if all the documents are in order; Councilmember Curry asked if a letter has been sent to the school in regards to an agreement of payment towards Fieldstone's new turf; the courts signed the orders for the settlement agreements for the Fair Share Housing Plan; now the borough has 120 days to implement the required ordinances

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

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 Curry
- all ayes

Jarett Schumacher

What is the plan for the pool area; not in favor of PILOT programs, the town loses revenue; asked if the mayor and council feel if we have a deer problem and should we do something about it.

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Curry
- all ayes

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT

Motion to adjourn Public Meeting by Councilmember Lane; seconded by Councilmember Curry
- all ayes

Meeting was adjourned at 10:10pm

The next Meeting of the Mayor and Council will be held February 27, 2018 at 7:30 p.m.

2018 SCHEDULED BUDGET MEETINGS:

February 27th, 2018 6:00pm

March 13, 2018 6:00pm

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk