

**MINUTES
WORK SESSION**

The Work Session Meeting of the Mayor and Council was held in the Council Chambers and called to order at 8:29 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 Arendacs
Councilmember Curry
Councilmember Gloeggler

Councilmember Koelling
Councilmember Lane
Councilmember Weaver

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

Joe, Voytus, Borough Attorney, gave a brief overview of the litigation with the BRE Association regarding the ERUV. He stated the deadline is January 31 and the borough is trying to reach a mutual agreement with the association.

A motion to open the meeting to the public by Councilmember Lane; seconded by Councilmember Gloeggler

Chris Roche, 5 Lark Lane

Wanted to know what has been decided as far as where the ERUV will be placed; asked if the borough can request an extension of time to further discuss placement of the ERUV

Two residents of Bradley Lane agreed with Mr. Roche and added if they can meet with the association to further discuss placement

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

A motion to go into closed session by Councilmember Weaver; seconded by Councilmember Lane – all ayes

A motion to open the meeting at 915pm by Councilmember Lane; seconded by Councilmember Gloeggler

After a brief discussion in closed session regarding the ERUV, the borough was granted an extension to February 13 at which time they will agree on a settlement. In the meantime, the Mayor and Borough Attorney will meet with the residents to go over areas of placement.

ORDINANCES:

PUBLIC HEARING OF ORDINANCE NO. 2018-1440 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 109 OF THE BOROUGH CODE TO ESTABLISH REQUIREMENTS FOR REPAVING ROADS IN THE EVENT OF CERTAIN STREET OPENINGS

WHEREAS, repaving and maintaining Borough roadways is a costly endeavor that is often planned by the Borough years in advance of work actually taking place; and

WHEREAS, the Borough takes all reasonable steps to ensure that utility companies are made aware of which roads are part of the Borough's road program, so that any planned utility work can be done before roads are repaved; and

WHEREAS, despite this, utility companies and other entities and individuals often request road opening permits on newly-paved roadways, causing inconvenience and additional costs for Borough residents; and

WHEREAS, the Borough is desirous of adopting a policy that will ensure that utilities and other entities and individuals who request road opening permits appropriate repair and repave the Borough roadways affected.

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

Section 1. The Code of the Borough of Montvale, Chapter 109, "Streets and Sidewalks," Article VIII, "Street Openings," Section 63, "Protection of work; compliance with regulations," is hereby amended and supplemented by adding the underlined text and deleting the [bracketed] text as follows:

§109-63 Protection of work; compliance with regulations.

L. Repaving of roads required.

Notwithstanding anything in this Article to the contrary, in the event that a permittee excavates a street opening of a length greater than three (3) feet, repaving of the street shall be required in accordance with the following requirements:

For a street that has been paved within the past five years of the permit application, the permittee shall be required to repave the full width of the road, to a distance of a minimum of 50 feet from the ends of the trench. The method of paving and the materials to be used shall be at the discretion of the Borough Engineer.

For a street that has not been paved within the past five years of the permit application and which affects only one lane of the street, the permittee shall be required to repave the road from the centerline to the curb in which the trench is located, to a distance of a minimum of 50 feet from the ends of the trench. The method of paving and the materials to be used shall be at the discretion of the Borough Engineer.

For a street that has not been paved within the past five years of the permit application and which affects more than one lane of the street, the permittee shall be required to repave the full width of the road, to a distance of a minimum of 50 feet from the ends of the trench. The method of paving and the materials to be used shall be at the discretion of the Borough Engineer.

The Borough Engineer may require the length of the repaved area to be increased to a maximum of 100 feet from the ends of the opening, based on the proximity to other roadways, utility concerns or other good cause.

The restoration of the pavement shall be done no less than 60 days after the opening and no more than 120 days after the opening. This will allow for any settlement in the trench to take place before the final pavement is placed. Exceptions to this time frame may be allowed by the Borough Engineer dependent upon the time of year, which can affect the availability of paving materials.

The requirements of this Section may be waived in the discretion of the Borough Engineer: 1) if the permittee has performed the excavation within six (6) months of a planned municipal or county repaving project for the street that is intended to repave the area that would otherwise be required to be repaved; or 2) for other good cause.

All repaving required by this Section shall be performed at the sole cost and expense of the permittee. All permit fees, inspection costs, labor and materials, and any other incidental expenses related to the repaving shall be the sole and exclusive responsibility of the permittee.

Section 2. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 5. Effective Date.

This ordinance shall become effective upon adoption and publication as required by law.

Ordinance No. **2018-1440** 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 Curry; Clerk read by title only ----- A roll call vote was taken --- all ayes

PUBLIC HEARING OF ORDINANCE NO. 2018-1441 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING CHAPTER 128 OF THE CODE OF THE BOROUGH OF MONTVALE TO REVISE STANDARDS CONCERNING TEMPORARY WALL SIGNS IN THE AH-26 AFFORDABLE HOUSING DISTRICT

WHEREAS, the Borough Council of the Borough of Montvale desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

WHEREAS, the Borough Council has determined that certain lands comprised of approximately 7.043 acres within the OR-4 Office and Research District commonly referred to as Block 3302, Lot 1 are suited for inclusionary development; and

WHEREAS, the Borough previously adopted Ordinance No. 2017-1438 on December 26, 2017, establishing the AH-26 Zone in the Borough of Montvale; and

WHEREAS, there is a need to amend a section of the previously-adopted ordinance concerning wall signs.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Montvale in the County of Bergen and the State of New Jersey as follows:

Section 1. Chapter 128 of the Code of the Borough of Montvale, Section 128-5.17, "AH-26 Affordable Housing District," is hereby amended and supplemented by deleting the [bracketed] text and adding the underlined text, as follows:

§ 128-5.17. AH-26 Affordable Housing District. The following standards shall apply to development within the AH-26 District. All other provisions of Chapter 128, Zoning of the Montvale Borough Code shall apply to development in the AH-26 District only where specifically indicated as applicable in **§ 128-5.17** of the Montvale Code. When the standards herein conflict with other provisions of Chapter 128, the standards herein shall apply....

Development standards....

Signage. Within the AH-26 District, the following shall apply.

Wall Signs.

One (1) temporary Wall Sign is also permitted on one (1) façade of the building [not facing the Garden State Parkway], which Wall Sign may not exceed one hundred forty four (144) square feet. Such temporary Wall Sign may remain for a six month period, which period may be extended for to two (2) additional six (6) month periods upon application to, and at the discretion of, the Borough Planning Board.

Notwithstanding Section 128-9.7A.9J of the Borough Code, Wall Signs may include three colors, assuming one of the colors is white or black...

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. Effective date. This Ordinance shall take effect immediately upon final passage and publication as required by law and upon receipt of an Order from the Superior Court of New Jersey approving of the Settlement Agreement, dated November 14, 2017, between the Borough of Montvale, the Planning Board of the Borough of Montvale, and Hornrock Properties MPR, LLC in the litigation In re Montvale, Docket No. BER-L-6141-15.

Section 5. Effective Date.

This ordinance shall become effective upon adoption and publication as required by law.

Ordinance No. **2018-1441** 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 Curry
- 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 --- Councilmembers Arendacs and Weaver voting No, Councilmembers Curry, Gloeggler, Koelling and Lane voting Yes

Councilmember Weaver asked for clarification as to what are they advertising; the borough attorney explained it would be a sign for lease of all apartments; this amendment is to determine the size and length of time the advertising sign would be on the building and that it would be facing the Garden State Parkway. After a brief discussion, it was decided to look into the current sign ordinance to make revisions.

INTRODUCTION OF 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
(public hearing 2/13/18)

A motion to Introduce Ordinance **2018-1442** 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

MINUTES:

Re- Org January 1, 2018

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

January 9, 2018

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

MINUTES CLOSED/EXECUTIVE SESSION:

January 9, 2018

A motion to accept the minutes by Councilmember Lane; seconded by Councilmember Gloeggler - all ayes with the exception of Councilmembers Koelling and Arendacs abstaining

RESOLUTIONS:

45-2018 Governor's Council On Alcoholism And Drug Abuse Fiscal Grant Cycle July 2014-June 2019

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Montvale, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Montvale County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Montvale Municipal Alliance grant for fiscal year 2019 in the amount of:

DEDR	\$ 9876.00
Cash Match	\$ 2469.00
In-Kind	\$ 7407.00

The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements

Introduced by: Councilmember Lane; seconded by Councilmember Curry - All ayes
Councilmember Arendacs asked for clarification as to what programs will this be used for like DARE and/or LEAD or both

46-2018 Transfer Of 2017 Appropriation Reserves

WHEREAS, certain transfer of funds for 2017 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 2017 budget appropriation reserves as follows:

	<u>FROM</u>	<u>TO</u>
<u>CURRENT FUND</u>		
GENERAL APPROPRIATIONS		
Operations - within "CAPS"		
Construction Code Officials:		
Other Expenses	\$10,000.00	
Police:		
Salaries and Wages		\$10,000.00
	\$10,000.00	\$10,000.00
	=====	=====

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

47-2018 Amending Resolution No. 57-2017 Setting Forth Recreational Programs Fees Year 2018

WHEREAS, The Recreation Department hereby establishes the programs, times and fees for various programs; and

WHEREAS, the Recreation Director has recommended that the following fees, programs, and times be revised as described; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the following fees and programs and services be and are hereby established

TIME SCHEDULE FOR SKATING RINK:

8:00 a.m.	Until	10:00 a.m.	Roller/street Hockey
10:00 a.m.	Until	12:00 p.m.	Free Skate
12:00 p.m.	Until	2:00 p.m.	Roller/street Hockey
2:00 p.m.	Until	4:00 p.m.	Free Skate
4:00 p.m.	Until	6:00 p.m.	Roller/street Hockey
6:00 p.m.	Until	Dusk	Free Skate

PROGRAMS:

	RESIDENT	NON-RESIDENT
Basketball - 18+	\$50	\$75
Basketball - 30+	\$75	\$95
Sewing	\$80	\$100
Tae Kwon-Do		
Tae Kwon-Do - Youth	\$120	*\$180 (*space permitting)
Tae Kwon-Do – Adult	\$80	\$100
Tai Chi	\$80	\$100
Montvale Seniors Club Discount:	\$40	

Tennis Lessons

Tennis Lessons adult/child	\$80 resident per session (6 weeks)	\$120 per session (6 weeks)
Tennis	\$30 Adult	\$60 Adult
(Green Acres/ Approval Required)	\$10 Child/Student (13-18 yrs)	\$20 Child/Student
	\$50 Family max.	\$100 Family max.
	Free Seniors 62+	\$10 Seniors 62+

RESIDENT/NON-RESIDENT: \$10 Fee for Replacement Card

Volleyball - Adult	\$50	\$75
Volleyball- Girls	\$80	\$100
Yoga	\$80	\$100
Yoga – mini	\$40	\$50
Yoga- Mommy & Me	\$80	\$100
Yoga- Mommy & Me Mini	\$40	\$50
Adult Soccer	\$10	\$15
Special Needs Program	\$80	\$100

Introduced by: Councilmember Lane; seconded by Councilmember Curry - All ayes
Councilmember Weaver asked about summer camp hours; Councilmember Arendacs stated the camp will be full day and end at 2:30; Councilmember Weaver asked if a survey was done to see what the need is. After a brief, discussion, it was decided to have the recreation director attend the next meeting to further discuss the options of summer camp. Therefore, this resolution will be amended by removing the summer camp fees;

A motion to approve the amended resolution by Councilmember Lane; seconded by Councilmember Koelling – all ayes

48-2018 Authorize Tax Court Settlement / Block 1903; Lot 7, 2 Paragon Drive / Two Paragon Drive, 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 Two Paragon Drive, LLC (hereinafter the "Tax Appeal"), under Docket Number 003337-2017, and;

WHEREAS, the aforesaid Tax Appeal involves a commercial property located at 2 Paragon Drive, and is otherwise referred to as Block 1903 Lot 7 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 proposed settlement 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:
2017 Tax Assessment: \$18,000,000
- B. In addition to the foregoing, the 2018 assessment shall be set at \$9,000,000

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

49-2018 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 \$64,500.00

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 \$64,500.00

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"

Celebration of Public Events:

Other Expenses	27,000.00
Construction Code Officials:	
Other Expenses	<u>37,500.00</u>
	<u>64,500.00</u>

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

50-2018 A Resolution Approving a Temporary Construction and Access Easement Agreement to Address Invasive Bamboo in and around Montvale Avenue – Block 712, Lot 10

WHEREAS, Edip Dema and Ejup Dema (“Owners”) are the owners of certain real property located on Montvale Avenue, Montvale, New Jersey, also known as Block 712, Lot 10 on the official Tax Map of the Borough (the “Property”); and

WHEREAS, there is presently located on certain property in and around Montvale Avenue in the Borough of Montvale, including the Property, a species of invasive bamboo that both the Borough and Owners would like to have removed; and

WHEREAS, the Borough and the Owners have negotiated a Temporary Construction and Access Easement Agreement (the “Easement Agreement”), a copy of which is attached hereto, in order to allow the Borough to enter upon the Property and to permanently remove the bamboo from the Property, subject to certain terms and conditions set forth therein; and

WHEREAS, the Borough is desirous of approving the Easement Agreement in order to proceed with the scope of work set forth therein.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk are hereby directed, authorized and empowered to execute the Temporary Construction and Access Easement Agreement previously negotiated with the Owners.

BE IT FURTHER RESOLVED that all other appropriate officials are authorized and empowered to take all steps necessary to effectuate the purposes of this Resolution.

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

51-2018 Authorize Refund/A League of Our Own, Inc./Field Use

BE IT RESOLVED, the below entity is hereby granted a refund for an unused field use fee as they were not able to use the LaTrenta field in 2017 as scheduled.

Refund: \$200.00

Check made payable to: A League of Our Own

P.O. Box 135

Park Ridge, NJ 07656

BE IT FURTHER RESOLVED, the Borough Treasurer and Recreation Director shall receive a copy of this resolution for processing.

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

52-2018 Authorize Execution of Agreement with Four Seasons At Ridgemoor Condominium Association, Inc./ Municipal Service Agreement

WHEREAS, the Condo Services Act provides for a phase in schedule for municipal reimbursement payment at the municipal cost for certain enumerated municipal services or the providing of such services by the municipality in lieu of such reimbursement; and

WHEREAS, an agreement has been negotiated between the Borough of Montvale and Ridgemoor Condominium Association, Inc. to satisfy the obligation of the Borough as provided by the Condo Service Act, which agreement is attached and made part of this resolution; and

WHEREAS, this agreement shall remain in effect for a five year period to commence on January 1, 2018 and terminating on December 31, 2022; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale hereby authorize the execution of the attached Agreement on behalf of the municipality by the appropriate municipal officials.

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

53-2018 Authorize Grant Agreement/Community Development/Sr. Citizens Activities PS-MONTSR17

BE IT RESOLVED, that the Mayor and Council of the Borough of Montvale wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$3,338.00 in the years 2017/2018 Community Development Block Grant funds for Senior Citizen Activities within the Borough of Montvale; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Michael Ghasali, Mayor, to be a signatory for the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Maureen Iarossi-Alwan, Borough Administrator to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognized that the Borough of Montvale is liable for any funds not spent in accordance with the Grant Agreement, and that liability of the Mayor and Council is in accordance with HUD requirements

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

54-2018 Authorizing Two Year (2) Field License Agreement with the Montvale Board of Education

BE RESOLVED, the Board of Education and the Borough of Montvale are the owners of certain land which is devoted to recreational uses more particularly know as Memorial School Fields and Fieldstone School Fields; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Montvale that the attached two year Field License Agreement with the Montvale Board of Education and the Borough of Montvale has been reviewed and will be provided to the Pascack Valley Department of Public Works Superintendent; and

NOW THEREFORE BE IT RESOLVED, that the Governing Body hereby authorizes the execution of the attached Agreement to commence on January 1, 2018 through January 1, 2020 which includes the Maintenance of Fields on behalf of the Borough of Montvale.

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

Councilmember Curry asked if we can go back to the BOE to ask for an agreement to pay some monies toward the new turf; the attorney asked for authorization to draft a letter to the BOE;

55-2018 A Resolution Awarding a Professional Services Contract to Jeffrey R. Surenian and Associates, LLC to Serve as Special Counsel in Connection with the Borough's Affordable Housing Litigation

WHEREAS, the Governing Body in 2017 was desirous of hiring Special Counsel to represent the Borough in connection with the Borough's affordable housing litigation; and

WHEREAS, the Borough awarded a contract via Resolution No. 155-2017 for these services; and

WHEREAS, the Borough of Montvale a has received a contract for professional services from Jeffrey R. Surenian, Esq. of Jeffrey R. Surenian & Associates, LLC, 707 Union Avenue, Suite 301, Brielle, New Jersey 08730, to perform all services necessary and appropriate in connection with same for 2018; and

WHEREAS, Mr. Surenian's proposal sets forth the following rates which have not changed from 2017:

- (a) \$200.00 per hour for all time spent by Jeffrey R. Surenian (over 30 years of experience);
- (b) \$185.00 per hour for all time spent by an attorney with at least fifteen years of experience as a lawyer;
- (c) \$175.00 per hour for all time spent by an attorney with at least ten years of experience as a lawyer;
- (d) \$165.00 per hour for all time spent by an attorney with less than ten years of experience as a lawyer;
- (e) \$70.00 per hour for all paralegal work; and

WHEREAS, the Governing Body is satisfied that Mr. Surenian and his firm possessed the requisite experience pertaining to such matters; and

WHEREAS, pursuant to *N.J.S.A. 40A:11-5(a)(i)*, a professional services contract is exempt from public bidding requirements; and

WHEREAS, because the value of this contract is anticipated to be in excess of \$15,000 (the Borough's local pay-to-play limit), this contract has been awarded under the "alternative process" pursuant to *N.J.S.A. 19:44A-20.4 et seq.* (the "Pay-to-Play Law"), and has been awarded to the contractor based upon the merits and abilities of the contractor to provide the services necessary; and

WHEREAS, because this contract has been awarded under the "alternative process," Mr. Surenian has completed and submitted a Business Entity Disclosure Certification which certifies that neither he nor his firm has made any reportable contributions (\$300 or more) to a political or candidate committee in the Borough of Montvale with the elected officials in the previous one year, and that the contract will prohibit said persons and entities from making any reportable contributions (\$300 or more) through the term of the contract; and

WHEREAS, the Governing Body is desirous of awarding a contract to Jeffrey R. Surenian and Associates, LLC, in an not to exceed \$25,000.00 without further authorization of the Governing Body, at the hourly rates set forth above; and

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

NOW, THEREFORE, BE IT RESOLVED that a contract is hereby awarded to Jeffrey R. Surenian and Associates, LLC to serve as Special Counsel in connection with the Borough's Affordable Housing Litigation, pursuant to the terms and conditions set forth herein.

BE IT FURTHER RESOLVED that the Borough Clerk shall publish notice of this contract award in the official newspaper of the Borough, in accordance with *N.J.S.A. 40A:11-5*.

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

56-2018 Appointment Regular Member / Montvale Fire Department /R. Nydegger

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

WHEREAS, Russell G. Nydegger of Morristown, NJ who is a Borough of Montvale Fire Prevention Employee has been approved by the Board of Fire Commissioners and has been a

member of the NJ State Firemen's Association since 2012 in Denville Fire Rescue and does not require a complete physical as per the Montvale Fire Chief; and

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

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

57-2018 Cancellation of Outstanding Checks / Prior Years / Pascack Joint Municipal Court

WHEREAS, there exists various outstanding checks from prior years drawn against certain accounts; and

WHEREAS, the Municipal Court Administrator provided a listing of outstanding checks that require cancellation (listing attached) from prior years.

BE IT RESOLVED, the Chief Financial Officer is hereby authorized to deposit these funds to the respective reserve or surplus account;

BE IT FURTHER RESOLVED, the Municipal Court Administrator shall receive a copy of this resolution for record keeping; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the attached list of outstanding checks from prior years be cancelled;

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

58-2018 Authorize Refund of Recreation Program / Taekwondo

BE IT RESOLVED, the below individual is hereby granted a refund for Taekwondo due to class change.

Joanette Schuit \$180.00 online registration

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

59-2018 Authorize Change Orders No. 10 And 11 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 orders based on the contract as per the documentation transmittal dated October 30, 2017 and January 9, 2018 which is attached to the original of this resolution; and

WHEREAS, Change Orders 10 and 11 is hereby authorized in the amount of \$20,238.61 and \$7,931.96 to be issued to Unimak, LLC, 82 Midland Avenue, Saddle Brook, NJ 076633 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

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

60-2018 Resolution Approving a Settlement Agreement with Suez Concerning the Water Main Servicing the New Montvale Fire House

WHEREAS, the water line that previously provided service to the former Montvale Fire House did not meet current Suez standards; and

WHEREAS, during the course of certain work performed by Unimak as part of the New Montvale Fire House Project, a dispute arose with Suez concerning Suez's claimed need to extend the existing water main from Grand Avenue to a proposed fire hydrant on Memorial Drive; and

WHEREAS, the proposed water main and hydrant would service the Fire House and allow for firefighting on the east side of Memorial School; and

WHEREAS, in order to construct and maintain the new water main, Suez requires a twenty-five foot wide easement from the Borough of Montvale; and

WHEREAS, Suez is also desirous of obtaining from the Borough a twenty-five foot wide easement that will run along the entire length of Memorial Drive from Grand Avenue north to Bayberry Drive, which would allow for a future water main extension; and

WHEREAS, representatives for the Borough and Suez engaged in negotiations concerning the party that should be responsible for funding the construction of the extended water main to service the New Montvale Fire House; and

WHEREAS, the parties have agreed to split the final cost of the water main extension evenly between the parties, which is estimated to be approximately \$70,500.00; and

WHEREAS, Suez has requested that the Borough authorize a Purchase Order not to exceed \$37,500, to ensure that any cost overruns are covered, within reason, with a final accounting of the project to be provided by Suez upon completion; and

WHEREAS, the Borough will also provide the necessary easements to Suez at no cost; and

WHEREAS, the Borough is desirous of entering into a settlement agreement with Suez on the terms set forth above; and

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

NOW, THEREFORE, BE IT RESOLVED that the Borough Council does authorize a settlement with Suez upon the terms and conditions set forth above, subject to approval as to form on a final agreement by the Borough Attorney.

Introduced by: Councilmember Lane; seconded by Councilmember Curry - All ayes
The Engineer recommends to pass this resolution; 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.

RESO 61-2018 Resolution Awarding Extension To Contract to Robbie Conley Architect, LLC For Professional Services Related to Contract Administration for the Construction of a New Montvale Fire House

WHEREAS, the Borough of Montvale on March 10, 2015 awarded a contract for the professional services of an architect to provide professional architectural services including design development, preparation of construction documents, bidding and negotiations, and contract administration in connection with a construction project for a New Montvale Fire House; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5, said professional services are exempt from public bidding under the *Local Public Contracts Law*; and

WHEREAS, Robbie Conley Architect, LLC ("Conley") has submitted a proposal dated January 25, 2018 for the Construction Administration extension for this project as outlined in a copy of which is attached hereto; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that a Request for additional services for Construction Administration for the Montvale Fire House be approved; and

Contractor:

Robbie Conley Architect, LLC
596 Glassboro Road
Woodbury Heights, New Jersey 08097

In the amount of:

Previous Contract (Construction) Administration Resolution 51-2015	\$58,400.00
Request For Additional Services (Construction Administration) attached	\$14,600.00

TOTAL	\$73,000.00
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BE IT FURTHER RESOLVED that the Borough Clerk shall publish notice of this contract award in the official newspaper of the Borough, in accordance with N.J.S.A. 40A:11-5.

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 Curry - All ayes

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

- a. County of Bergen Public Works Notification of potential roads to be resurfaced over 2018/2019

County approved paving of Kinderkamack Road; we should include new ADA ramps in the 2018 road program on Kinderkamack; Councilmember Curry asked if a cross walk could be added by TD Bank on Kinderkamack

- b. Proposal for Professional Engineering Services Montvale Fire House/Water Service Upgrade Services

Resolution 60-2018 was adopted

- c. Montvale Intersection Improvements Alternate B - Chestnut Ridge Road Widening Construction Observation Services

This was approved by the County, but excluding engineering inspection services; the engineer recommended the borough attorney to send a letter requesting reimbursement

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

UNFINISHED BUSINESS:

None

NEW BUSINESS:

- a. Local Finance Notice 2018-4 / Refunding 3rd & 4th Quarter 2018 Property Tax Payments / Discussion

The tax collector explained, as a result of the pre-payment of taxes due to the new tax reform laws, some taxpayers paid the entire year of 2018; with the new regulations, paying the 3rd and 4th quarter may not be a benefit. Therefore, taxpayers are asking for refunds. The State Department of Taxation issued new guidelines and policy to be implemented to allow tax collectors to give refunds. In speaking with the borough attorney and auditor it was recommended that a resolution be drafted to follow the guidelines imposed by the State

- b. Firehouse Plaque

In reviewing a sample of the dedication plaque, it was decided to add the names of the fire commissioners as well as putting the councilmembers in alphabetical order

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 Koelling – all ayes

NO PUBLIC COMMENT

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

MOTION TO GO INTO CLOSED EXECUTIVE SESSION:

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

ADJOURNMENT:

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

Meeting adjourned at 10:30pm

Budget Meeting to be held at 6:00 p.m. on February 13, 2018

The next Meeting of the Mayor and Council will be held February 13, 2018 at 7:30 p.m.

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk