

February 9, 2012

A regular meeting of the Borough Council was held in the Municipal Building on February 9, 2012. The meeting was called to order at 8:20 p.m. by Mr. Barra who announced that the requirements of the Open Public Meetings Act were met by the required posting and notice of publications.

The Mayor led those present in a salute to the flag.

The following Council members answered roll call: Ms. LaMonica, Mrs. McSwiggan, Mr. Strauch, Mrs. White, Mrs. Wilczynski and Mayor Barra. Mr. Bernstein arrived at 8:30 p.m. Also present were Mrs. McCarthy and Mr. Bole.

*Minutes*

Mrs. McSwiggan moved, seconded by Mrs. White, to approve the Work and Regular Session minutes of January 26, 2012. On roll call all members voted in favor.

*Public Comment*

Mr. Barra opened the meeting to the public for comments on agenda items.

There were none.

*Adoption of Ordinances*

Ordinance 12-01

Resolution 12-66 - Introduced by Mrs. Wilczynski, seconded by Mrs. White

**Be It Resolved** that an Ordinance entitled 12-01, "Refunding Bond Ordinance Providing for Payment of Amounts Owing to Others for Taxes Levied In, By and For the Borough of Allendale, in the County of Bergen, New Jersey, to Appropriate the Sum of \$605,000 to Pay the Cost Thereof and to Authorize the Issuance of \$605,000 of Bonds or Notes to Finance Such Appropriation" be passed upon second and final reading and that the Borough Clerk be and she is hereby authorized and directed to advertise the same according to law.

On roll call, all Council members voted in favor.

*Introduction of Ordinances*

Ordinance 12-02

Resolution 12-67 – Introduced by Ms. LaMonica, seconded by Mrs. White

**Be It Resolved** that an Ordinance entitled 12-02, “An Ordinance to Amend Chapter 262 of the Code of the Borough of Allendale entitled ‘Water’ ” heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 23rd day of February, 2012, at 8:00 p.m. or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

On roll call, all Council members voted in favor.

Ordinance 12-03

Resolution 12-68 – Introduced by Mrs. McSwiggan, seconded by Mrs. White

**Be It Resolved** that an Ordinance entitled 12-03, “An Ordinance to Amend Chapter 53 of the Code of the Borough of Allendale to Fix the Salaries, Wages and Compensation of the Non-Contractual Employees of the Borough of Allendale for the Year 2012” heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 23rd day of February, 2012, at 8:00 p.m. or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

On roll call, all Council members voted in favor.

*Consent Agenda*

Resolution 12-69 – Introduced by Ms. LaMonica, seconded by Mrs. McSwiggan

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby approves the Bill List dated February 9, 2012.

On roll call, all Council members voted in favor.

Resolution 12-70 – Introduced by Ms. LaMonica, seconded by Mrs. McSwiggan

**Whereas**, an emergent condition has arisen with respect to certain budget appropriations and no adequate provision has been made in the 2012 Temporary Budget, and N.J.S.A.

40A: 4-20 provides for the creation of emergency temporary appropriations for said purpose; and

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Allendale 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:

Senior Citizen Activities	\$2,000
NW Bergen Sewer Activity	\$3,000
Total	\$5,000

2. That said emergency temporary appropriation will be provided in the 2012 budget;

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

On roll call, all Council members voted in favor.

Resolution 12-71 – Introduced by Ms. LaMonica, seconded by Mrs. McSwiggan

**Whereas**, there currently exists a contract between the Borough and Maverick Building Services, Inc. (“Maverick”) for janitorial services for the Borough (“The Contract”;

**Whereas**, the contract was for an initial period of one year from March 1, 2011 until February 29, 2012 with the Borough having the sole and exclusive right to extend the contract for two (2) one (1) year options;

**Whereas**, upon recommendation of the Director of Operations, the Borough believes it would be in its best interests to extend the contract for another one year period;

**Now, Therefore, Be It Resolved** by the Governing Body that the contract is hereby extended for an additional one year period from March 1, 2012 until February 28, 2013 upon the same terms and conditions as the initial year provided however that the contract price shall be adjusted (a) 2 % of the previous year’s price or (b) the annual increase in the Consumer Price Index “New York, NY – Northeastern, NJ” applied to the prior year price whichever is less;

**Be It Further Resolved** that the Mayor and Municipal Clerk are authorized to assign an extension agreement following legal review.

On roll call, all Council members voted in favor.

Resolution 12-72 – Introduced by Ms. LaMonica, seconded by Mrs. McSwiggan

**Whereas**, a concession contract for the Crestwood Lake swim season was previously awarded to P&M Food Concessions, Inc.;

**Whereas**, the specifications incorporated into contract call for the Borough to have the exclusive right to renew the contract for additional one (1) year periods;

**Whereas**, P&M Food Concessions, Inc. has satisfactorily performed its obligations and the Borough finds it in its best interest to renew the contract for the 2012 swim season;

**Now, Therefore, Be It Resolved** by the Governing Body that it does hereby renew the contract with P&M Food Concessions, Inc. of 19 Montrose Terrace, Allendale, New Jersey for the 2012 swim season at Crestwood Lake in the amount of \$4,000 based upon the same terms and conditions as the original 2009 contract;

**Be It Further Resolved** that the Mayor and Municipal Clerk are hereby authorized to execute a renewal and extension agreement with P&M Food Concessions, Inc. following legal review.

On roll call, all Council members voted in favor.

Resolution 12-73 – Introduced by Ms. LaMonica, seconded by Mrs. McSwiggan

**Whereas**, the Borough of Allendale requires the service of professionals for the year 2012, and

**Whereas**, it is contemplated that the temporary and permanent budgets will contain the necessary appropriations estimated to be reasonably required for each such professional service; and

**Whereas**, the professionals named herein will be required to execute a contract for the services to be rendered which shall set forth the compensation for such services therein;

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Allendale that the following appointments be and they are hereby made for the year:

**Whereas**, a Certification of availability of funds has been received from the Chief Financial Officer or that such funds will be encumbered by Purchase Order on an as-needed basis pursuant to the provisions of NJAC 5:30-5.4 et seq;

**Whereas**, in any instance where it is anticipated that the expenditure for each such professional service will exceed the sum of \$17,500 for said calendar year, the named professionals have completed, submitted and filed a Business Entity Certification Disclosure which certifies that the above named persons and/or entities have not made any reportable contributions to any political or candidate committee including (Republicans for Responsible Government, Allendale Republican Club, Allendale Democratic Club, Candidates for Allendale Municipal Government, Bergen County

Democratic Organization, Bergen County Republican Organization) in the previous one (1) year, and that the contract will prohibit the above named professionals/business entities from making any reportable contributions through the term of the contract;

**Be It Further Resolved** that these contracts are being awarded as a non-fair and open contract, pursuant to the provisions of NJSA 19:44A-20.5;

**Be It Further Resolved** that the Business Disclosure Entity Certification and the determination of value be placed on file with this Resolution.

Bond Counsel  
Labor Attorney  
Municipal Engineer

Rogut McCarthy LLC  
Wiss & Bouregy, PC  
John Yakimik of Dewberry

The compensation for the aforesaid positions to be established by the salary ordinance or the contract for such services which shall be executed by each of the professionals named herein; and

**Be It Further Resolved** that the aforesaid appointments were made without competitive bidding under the provisions of NJSA 40A:11-5(1)(a) which exempts from competitive bidding Professional Services rendered by persons authorized by law to practice a recognized profession and whose practice is regulated by law; and

**Be It Further Resolved** that the appropriate Borough Officials be and they are hereby authorized to execute contracts with each of the professionals named herein for the services to be rendered; and

**Be It Further Resolved** that the compensation to be paid for the professionals named herein shall not exceed the budget appropriation for such services unless properly ordained in accordance with law, and

**Be It Further Resolved** that a copy of this resolution be filed with the Borough Clerk and made available for inspection and that a brief notice of the passage thereof be published in The Record within ten days of the passage as required by law.

On roll call, all Council members voted in favor.

Resolution 12-74 – Introduced by Ms. LaMonica, seconded by Mrs. McSwiggan

**Be It Resolved** by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to issue a check to the following for 2010 and 2011 overpayments due to a State Tax Board Judgment:

2011

Block/Lot	Name	Amount
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1405/9	John J. D'Anton Trust Account 21 Franklin Turnpike Suite 2119 Mahwah, NJ 07430	\$4,475.60
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**2010**

1405/9	John J. D'Anton Trust Account 21 Franklin Turnpike Suite 2119 Mahwah, NJ 07430	\$4,425.35
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On roll call, all Council members voted in favor.

Resolution 12-75 – Introduced by Ms. LaMonica, seconded by Mrs. McSwiggan

**Whereas**, there is a request by the Allendale Woman’s Club to tie teal ribbons around town during the month of September, 2012, and

**Whereas**, the purpose of this activity is to help raise awareness of ovarian cancer and its symptoms,

**Now, Therefore, Be It Resolved** by the Mayor and Council that this request is hereby approved.

On roll call, all Council members voted in favor.

Resolution 12-76 – Introduced by Ms. LaMonica, seconded by Mrs. McSwiggan

**Be It Resolved** by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to transfer the following overpayment listed below from overpayment of 2011 Taxes to Taxes Receivable for 2012:

<u>Block/ Lot</u>	<u>Name</u>	<u>Property Location</u>	<u>Amount</u>
404/15	Bullen, Theresa & Thomas	7 Ethel Avenue Allendale, NJ 07401	\$5,372.16

On roll call, all Council members voted in favor.

Resolution 12-77 – Introduced by Ms. LaMonica, seconded by Mrs. McSwiggan

**Be It Resolved** by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to issue the following check on the property listed below and charge same to Overpayment of 2012 Taxes:

**2012**

<b>Block/ Lot</b>	<b>Name</b>	<b>Property Location</b>	<b>Amount</b>
913/3	Barbacini, Daniela	51 Pittis Avenue	\$979.40
	C/O McDonnell and Whitaker, LLC	345 East Main Street	
		PO Box 379	
		Ramsey, NJ 07446	

On roll call, all Council members voted in favor.

Resolution 12-78 – Introduced by Ms. LaMonica, seconded by Mrs. McSwiggan

**Whereas**, the Borough of Allendale, in the County of Bergen, New Jersey (the “Borough”) from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

**Whereas**, the Internal Revenue Code of 1986, as amended (the “Code”), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

**Whereas**, the Borough desires to designate a \$1,447,000 Bond Anticipation Note, dated February 1, 2012, payable February 1, 2013 (the “Note”), as a “qualified tax exempt obligation” pursuant to Section 265(b)(3) of the Code;

**Now, Therefore, Be It Resolved** by the Borough Council of the Borough of Allendale, in the County of Bergen, New Jersey, as follows:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a “qualified tax-exempt obligation” for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) said Note is not a “private activity bond” as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2012.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2012.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough be and they hereby are authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2012 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

On roll call, all Council members voted in favor.

Resolution 12-79 – Introduced by Ms. LaMonica, seconded by Mrs. McSwiggan

**Be It Resolved** that the following individual is hereby appointed to the Senior Housing Commission for the period specified:

Name and Board or Commission	Term Expires
Dan Manning	December 31, 2012

On roll call, all Council members voted in favor.

*Committee Reports*



### Facilities, Parks and Recreation

Mrs. Wilczynski did not have a report.

### Administration, Finance and Human Resources

Ms. LaMonica noted that there would be a meeting of her Committee on Wednesday, February 15<sup>th</sup>.

### Public Works

Mrs. White stated that Mr. Cauwenberghs has returned from his absence and everyone is happy to have him back. She thanked all those who filled in to help with his duties while he was absent.

### Land Use and Construction Code

Mr. Strauch said the Forest Avenue Bridge is now open. He also noted that Northern Highlands Regional High School has agreed to move their School Board election dates to the General Election in November.

Mr. Strauch added that the next meeting of the Land Use Committee will be February 10<sup>th</sup> at 8:05 a.m.

### Public Safety

Mr. Bernstein was absent at the time of the Committee reports.

### Water Committee

Mrs. McSwiggan said the Water Department is concluding the process of replacing the old water meters with radio read meters. There are approximately twenty-four meters that still need to be replaced. The Water Department is also working on replacement of hydrants as the weather permits them to address this issue.

### Municipal Attorney

Mr. Bole did not have a report.

### Municipal Clerk

Mrs. McCarthy said at this time there is still not a quorum for the February 23<sup>rd</sup> meeting of the Mayor and Council. She will stay in touch with the Council members and let them know by next week if a quorum has been achieved.

Mr. Barra opened the meeting to the public for general comments.

There were no comments from the public.

Mrs. McCarthy read the following Resolution into the record:

**Whereas**, the Open Public Meetings Act, P.L. 1975, Chapter 231, permits the exclusion of the public from a meeting in certain circumstances; and

**Whereas**, this public body is of the opinion that such circumstances presently exist; and

**Whereas**, the Governing Body wishes to discuss

Litigation

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

**Now, Therefore, Be It Resolved** that the public be excluded from this meeting.

On a motion by Mrs. White, seconded by Mr. Strauch, the Council adjourned to Executive Session at 8:28 p.m.

Respectfully submitted,

Gwen McCarthy  
Municipal Clerk