

February 10, 2011

A regular meeting of the Borough Council was held in the Municipal Building on February 10, 2011. The meeting was called to order at 8:15 p.m. by Mayor 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: Mr. Bernstein, Ms. LaMonica, Mr. Strauch, Mrs. Wilczynski and Mayor Barra. Also present were Mrs. McCarthy and Mr. Bole.

Mayor's Appointment

NAME EXPIRES	PLANNING BOARD	TERM
Jacqueline McSwiggan	Class IV – Citizen of the Municipality Alternate	12/31/2011

Introduction of Ordinance 11-01

Mr. Barra stated that it was decided during Work Session that Ordinance 11-01 would not be introduced tonight. Hopefully following a discussion with the Bond Counsel, it will be ready for introduction on February 24, 2011.

Ms. LaMonica moved, seconded by Mr. Bernstein, Ordinance 11-01 to table the introduction of Ordinance 11-01 this evening.

On roll call, Mr. Bernstein, Mr. Strauch, Ms. LaMonica and Mrs. Wilczynski voted in favor.

Introduction of Ordinance 11-02

Resolution 11-75 – Introduced by Ms. LaMonica, seconded by Mr. Strauch

Be It Resolved that an ordinance entitled: “BOND ORDINANCE TO AUTHORIZE THE MAKING OF A PUBLIC IMPROVEMENT AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$189,000 TO PAY THE COST THEREOF, TO FULLY OR PARTIALLY FUND APPROPRIATIONS FROM THE RESERVE FOR CAPITAL INFRASTRUCTURE, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND

ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS”

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 24th day of February, 2011, 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.

(See copy of Ordinance 11-02, attached and make a part hereof.)

CONSENT AGENDA

Resolution 11-76 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

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 10, 2011.

On roll call all Council members voted in favor.

Resolution 11-77 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale that the Tax Collector is hereby authorized to reduce the 2010 tax levy due to a County Board Judgment on an added assessment as follows:

2004/20.08	Pensa, Laury	\$2,026.41
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On roll call all Council members voted in favor.

Resolution 11-78 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale that the Tax Collector is hereby authorized to issue a check to the following for a 2010 Overpayment due to a State Tax Court Judgment:

Block/Lot	Name	Amount
701/26	Nicole Kokoletsos and The Irwin Law Firm, P.A.	\$2,068.69

80 Main Street
Suite 410
West Orange, NJ 07052

On roll call, all Council members voted in favor.

Resolution 11-79 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

Whereas, budget transfers are permitted during the last two months of the current year and the first three months of the succeeding year,

Now, Therefore, Be It Resolved, by the Mayor and Council of the Borough of Allendale that the following transfers be made between the 2010 Water Operating Budget Appropriations:

From:		To:	
Salary and Wages	\$ 3,000	Water Purchase	\$ 3,000
Salary and Wages	\$20,000	Water, Other Expenses	\$20,000
Total From:	\$23,000	Total To:	\$23,000

On roll call, all Council members voted in favor.

Resolution 11-80 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

Whereas, the Borough of Allendale seeks to have an examination for the candidates for the position of Chief of Police;

Whereas, the New Jersey State Association of Police Chiefs, Inc. (AOPC) offers such oral examination;

Whereas, the cost for such examination is \$1,625 and the Chief Financial Officer has certified that adequate funds are available;

Now, Therefore, Be It Resolved by the Governing Body that it does hereby authorize an agreement between AOPC and the Borough for the conducting of an oral examination for Police Chief candidates;

Be It Further Resolved that the Mayor's signature on said agreement is authorized and ratified.

On roll call, all Council members voted in favor.

Resolution 11-81 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

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 provision, 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 \$1,516,000 Bond Anticipation Note, dated February 1, 2011, payable February 1, 2012 (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, made 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 reasonable anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2011.

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 2011.

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 2011 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 11-82 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

Whereas, Selim M. and Elizabeth Arcasoy are the owners of real estate known as Lot 6 in Block 1407 and better known as 404 Brookside Avenue, Allendale, New Jersey, and

Whereas, the owners have filed tax appeals challenging the assessment for the tax year 2010; and

Whereas, Lot 6 in Block 1407 was assessed for the year 2010 for the total amount of \$648,800; and

Whereas, the Borough has completed full discovery with respect to this matter, has consulted with the Borough's Appraiser, Charles Ciolino, and has conducted negotiations with counsel for the taxpayer; and

Whereas, the parties have been able to arrive upon a proposed settlement such that taxpayer would withdraw the 2010 appeal and the 2011 assessment would be set at \$560,000; and

Whereas, the parties have agreed that prejudgment interest shall be waived as a condition of the settlement; and

Whereas, the Borough's Tax Assessor, Angela Mattiace, is in agreement with the terms of this settlement and believes it would be in the best interest of the Borough to settle this particular case in accordance with the terms set forth above;

Now, Therefore, Be It Resolved that the Governing Body of the Borough of Allendale agrees to authorize the Municipal Attorney to execute a Stipulation of Settlement on behalf of the Borough with respect to the Arcasoy v. Allendale tax appeal pending in the Tax Court of New Jersey for the tax year 2010 and furthermore to sign a Stipulation of Settlement to confirm the 2011 assessment agreed upon herein;

Be It Further Resolved that upon receipt of the Tax Court or County Board Judgment, the Tax Collector is authorized to calculate the amount of the refund and cause same to be paid to the taxpayer, without statutory interest, within sixty (60) days from the date of any judgment entered;

Be It Further Resolved that this settlement is subject to agreement and acceptance thereof by the taxpayer;

Be It Further Resolved that copies of this Resolution are to be provided to the Municipal Clerk, Borough Treasurer, Borough Tax Assessor, Borough Tax Collector and the Municipal Attorney.

On roll call, all Council members voted in favor.

Resolution 11-83 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

Whereas, the Engineer has requested that certain changes are needed in the contract for Cottage Place and Pittis Avenue Improvements and

Whereas, a net decrease of \$4,967.30 will result from the following items:

- To reconcile final as-built quantities with original estimated contract quantities.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that Change Order Number Three resulting in a decrease of approximately \$4,967.30 be approved for Cottage Place and Pittis Avenue Roadway Improvements. All change orders to date result in a net decrease of \$1,342.00 from the original contract amount of \$126,277.76 resulting in a final contract amount of \$124,935.76.

On roll call, all Council members voted in favor.

Resolution 11-84 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

Whereas, there is a need for support for mental health services in the Borough of Allendale, and

Whereas, West Bergen Mental Health Care has available such services as are needed; and

Whereas, West Bergen Mental Health Care has agreed to provide such services in the amount of \$6,000.00 and other services in accordance with the fee schedule that is attached; and

Whereas, the Chief Financial Officer has certified that there are sufficient funds available for this contract;

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 agreement between the Borough of Allendale and West Bergen Mental Healthcare; and

Be It Further Resolved that the Mayor and Municipal Clerk be and they are hereby authorized to sign said agreement.

On roll call, all Council members voted in favor.

Resolution 11-85 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

Whereas, Budget Transfers are permitted during the last two months of the current year and the first three months of the following year;

Now, Therefore, Be Mayor & Council of the Borough of Allendale that the following transfers be made between the 2010 Budget Appropriations:

DEPARTMENT	ACCOUNT NUMBER	FROM	TO
Police, S&W	0-01-25-240-014		2,000.00
Social Security	0-01-36-472-000	2,000.00	
Total Transfers		\$2,000.00	\$2,000.00

On roll call, all Council members voted in favor.

Public Safety

Mr. Bernstein stated that the next meeting of the Public Safety Committee will be Thursday, February 17th at 8:00 a.m. The Allendale Volunteer Ambulance Corps will be in attendance at that meeting. This will be a good opportunity to open a dialogue between the Public Safety Committee and the Ambulance Corps.

Public Works

Mrs. White was absent.

Land Use and Construction Code

Mr. Strauch said the Land Use Committee met last Friday. The number one item on the agenda was snow removal from sidewalks. The number of storms we've received has made it very difficult. Neighbors are asked to help others who are unable to shovel their sidewalks. The next Land Use meeting is scheduled for Friday, March 4th at Borough Hall.

Water, Sewer and Public Utilities

Mr. Schoepflin was absent.

Administration, Finance and Personnel

Ms. LaMonica did not have a report.

Facilities, Parks and Recreation

Mrs. Wilczynski said the next meeting of the Facilities Committee will be March 2, 2011. She has met with Tom Viscardi to discuss new ideas for the next Crestwood season.

Municipal Attorney

Mr. Bole did not have a report

Municipal Clerk/Administrative Officer

Mrs. McCarthy said she had attended a Clerk's meeting earlier today. They discussed the proposed changes to the Open Public Meetings Act previously mentioned by the Mayor as well as proposed changes to the Open Public Records Act.

Mayor Barra reported that Mrs. White is in Atlanta because her son had to have an emergency appendectomy. Danny is doing well and Mrs. White will be spending a few more days with him.

On a motion by Mr. Strauch, seconded by Mrs. Wilczynski, the Council voted unanimously to adjourn at 8:26 p.m.

Respectfully submitted,

Gwen McCarthy
Municipal Clerk