

February 12, 2013

A regular meeting of the Borough Council was held in the Municipal Building on February 12, 2013. The meeting was called to order at 8:10 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: Mrs. McSwiggan, Mrs. Wilczynski, Mrs. White and Mayor Barra. Mr. Bernstein, Ms. LaMonica and Mrs. McSwiggan were absent. Also present were Mrs. McCarthy and Mr. Bole.

Approval of Minutes

Mrs. McSwiggan moved, seconded by Mrs. White, to carry the minutes of December 27th and January 24th to the meeting of February 28th. On roll call, all Council members voted in favor.

Mayor's Appointment

Mayor Barra announced that he is appointing Stephen Sasso to fill the unexpired term of Todd Fliegel to the Planning Board. That term will expire on December 31, 2013.

Public Hearings for Advertised Ordinances

Ordinance 13-01 Salary Ordinance for Non-Union Employees

Mrs. White stated that a survey was conducted of the other towns in the Northwest Bergen area and it was determined that most other towns start crossing guards at a lower salary than Allendale. Mr. Bole said it was his opinion that such an amendment to the ordinance would not be substantial enough to require its reintroduction.

As such Mrs. White moved, seconded by Mrs. Wilczynski to amend the minimum salary rate for crossing guard from \$16.00 an hour to \$12.00 an hour.

On roll call, all Council members voted in favor.

Mr. Barra opened the meeting to the public for comments on Ordinance 13-01. There were none.

Public Comment

Mr. Barra opened the meeting to the public for comments on agenda items. There were none.

Introduction of Ordinances

Ordinance 13-02 Zoning Ordinance – Warehousing in the E Industrial Zone District

Mrs. McSwiggan moved, seconded by Mrs. Wilczynski to amend resolution 13-89 to change the date for the public hearing on this Ordinance from February 28th to March 28th.

On roll call, all Council members voted in favor.

Resolution 13-89 – Introduced by Mrs. White, seconded by Mrs. McSwiggan

Be It Resolved that an Ordinance entitled 13-02, “An Ordinance to Amend Chapter 270 of the Code of the Borough of Allendale Entitled ‘Zoning’ ” 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 28th day of March, 2013, 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 13-02 attached and made a part hereof.)

Consent Agenda

Resolution 13-76 – Introduced by Mrs. McSwiggan, seconded by Mrs. Wilczynski

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 12, 2013.

On roll call, all Council members voted in favor.

Resolution 13-77 – Introduced by Mrs. McSwiggan, seconded by Mrs. Wilczynski

Whereas, resolution 13-56 was adopted by the Governing Body on January 3, 2013, regarding the Appointment of Temporary Employees; and

Whereas, said resolution needs to be amended;

Now, Therefore, Be It Resolved by the Governing Body, that said resolution is hereby amended as follows: the salary of Sean Toolan shall be set at \$12.25 per hour retroactive to January 2, 2013.

Be It Further Resolved that all other provisions of Resolution 13-64 not amended herein remain in full force and effect.

On roll call, all Council members voted in favor.

Resolution 13-78 – Introduced by Mrs. McSwiggan, seconded by Mrs. Wilczynski

Whereas, the tax payers, Robert and Sigita Paulius, appealed the assessment levied on Block 1503.1, Lot 9 for the years 2011 and 2012; and

Whereas, the subject property’s street address is 684 West Crescent Avenue; and

Whereas, the taxpayer, the appraiser and the assessor have agreed to compromise the appeal on the following terms: the Plaintiff will withdraw the Complaint for 2011; there will be a reduction in the 2012 assessment on the property from \$1,387,500 to \$1,300,000 and a further reduction in 2013 to \$1,198,700; and

Whereas, there are sufficient funds available in the reserve for tax appeals account to satisfy the tax refund; and

Whereas, the assessor is of the opinion that the revised valuation is consistent with the true value of the property.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that:

The proposed settlement for the tax appeal encaptioned Paulius v. Borough of Allendale, as hereinbefore set forth is approved and the Borough Tax Attorney or a member of his firm is authorized to execute all documents necessary to effectuate its terms.

On roll call, all Council members voted in favor.

Resolution 13-79 – Introduced by Mrs. McSwiggan, seconded by Mrs. Wilczynski

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 13-80 – Introduced by Mrs. McSwiggan, seconded by Mrs. Wilczynski

Whereas, the Borough of Allendale requires the service of professionals for the year 2013, 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 professional 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.

Engineer (as needed)

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 excepts 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 13-81 – Introduced by Mrs. McSwiggan, seconded by Mrs. Wilczynski

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 exclusions; and

Whereas, the Borough desires to designate a \$1,404,750 Bond Anticipation Note, dated February 1, 2013, payable January 31, 2014 (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 2013.

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 2013.

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) (30) 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 are hereby 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 2013 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 13-82 – Introduced by Mrs. McSwiggan, seconded by Mrs. Wilczynski

Be It Resolved that the Water and Sewer Superintendent is hereby authorized to sign an agreement with the Valley Health WorkPlace Connection for alcohol and drug testing for the year 2013.

On roll call, all Council members voted in favor.

Resolution 13-83 – Introduced by Mrs. McSwiggan, seconded by Mrs. Wilczynski

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 donation of a family (parents and children) Crestwood Lake 2013 Season Pass to the Allendale Woman’s Club.

On roll call, all Council members voted in favor.

Resolution 13-84 – Introduced by Mrs. McSwiggan, seconded by Mrs. Wilczynski

Be It Resolved, by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to issue the following overpayment checks due to County Board Judgments for the tax year 2012:

Block/Lot	Name	Amount
103/13	Covello, Christian & Cheryl 11 E Elbrook Drive Allendale, NJ 07401	\$2,197.76
701/2	Albohm, John & Kathleen 144 E Allendale Avenue Allendale, NJ 07401	\$690.99
701/13	Riccardi, Carmen & Laura 310 E Allendale Avenue Allendale, NJ 07401	\$1,594.59
2103/23	Gawrysiak, Danielle 215 Franklin Turnpike Allendale, NJ 07401	\$8,090.81
TOTAL		\$12,574.15

On roll call, all Council members voted in favor.

Resolution 13-85 – Introduced by Mrs. McSwiggan, seconded by Mrs. Wilczynski

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 due to a State Tax Board Judgment for the tax year 2011:

Block/Lot	Name	Amount
511/5.12	Martin Sharit Attorney Trust Account 141 Main Street Hackensack, NJ 07601	\$1,656.64

On roll call, all Council members voted in favor.

Resolution 13-86 – Introduced by Mrs. McSwiggan, seconded by Mrs. Wilczynski

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

2012

Block/ Lot	Name	Property Location	Amount
101/12	Khan, Muhammad 116 Elbrook Drive Allendale, NJ 07401	116 Elbrook Drive	\$2,488.17
301/16	Visions Federal Credit Union Attn: L Iessi 24 McKinley Avenue Endicott, NY 13760 DelGatto	120 Woodland Ave	\$2,686.84
410/2	Chhada, Aditi & Gautam 405 Canterbury Drive Ramsey, NJ 07446	405 Canterbury Dr	\$4,041.40
509/13	Buckner, Jonathan & Sausa, Lauren 3 Wilton Drive Allendale, NJ 07401	3 Wilton Dr	\$4,763.29
511/20	Winters, Daniel & Jennifer 26 Wilton Drive Allendale, NJ 07401	26 Wilton Dr	\$4,886.34
701/31	Natale, John & D'Arcy 51 Heather Court Allendale, NJ 07401	51 Heather Court	\$5,445.54
801/31.16	Salenger, Rawn & Lilja 16 Fox Run Allendale, NJ 07401	16 Fox Run	\$4,158.30
801/43	Shaw, Glen & Catherine 143 Green Way Allendale, NJ 07401	143 Green Way	\$733.18
905/11 C0004	Iannacone-Puig, Gina 4 Crestwood Mews Allendale, NJ 07401	4 Crestwood Mews	\$443.25

1005/14	Chung, Tam & Mi Jung 66 Hamilton Street Allendale, NJ 07401	66 Hamilton St	\$1,000.00
1102/25	Hwang, Vincent & Sumiko 72 Lakeview Terrace Ramsey, NJ 07446	37 Valley Rd	\$21.44
1401/6	Ingrassia, Salvatore & Lisa 210 Schuyler Road Allendale, NJ 07401	210 Schuyler Rd	\$5,409.74
1601/6	Beresford, C. Ogden & Mary Louise 30 Walnut Place Allendale, NJ 07401	30 Walnut St	\$2,640.21
1602/2	Rooney, Michael & Evelyn 15 Walnut Place Allendale, NJ 07401	15 Walnut Pl	\$2,867.12
1705/15	Struyk, Todd & Marianne 75A Brookside Avenue Allendale, NJ 07401	75A Brookside Ave	\$2,501.66
1803/4	Vellek, Timothy & Cheryl 32 Powell Road Allendale, NJ 07401	32 Powell Rd	\$3,806.05
2004/13	Ural, Arda & Cagla 19 Waibel Drive Allendale, NJ 07401	19 Waibel Dr	\$1,015.86
2101/1.2003	Allendale Whitney LLC 820 Morris Turnpike Short Hills, NJ 07078	2003 Whitney Lane	\$4,314.87
2101/9 C0042	MLD Mortgage, Inc 30B Vreeland Road Florham Park, NJ 07932 Cutler	42 Trotters Lane	\$2,944.90
TOTAL			\$56,168.16

On roll call, all Council members voted in favor.

Resolution 13-87 – Introduced by Mrs. McSwiggan, seconded by Mrs. Wilczynski

Whereas, Ordinance No. 01-02, an Ordinance to amend and supplement Chapter 270 of the Code of the Borough of Allendale was introduced on first reading at a meeting held on February 12, 2013;

Now, Therefore, Be It Resolved by the Governing Body that it does hereby refer said Ordinance to the Planning Board pursuant to NJSA 40:55D-26(a) for a report as set forth in said Statute.

On roll call, all Council members voted in favor.

Resolution 13-88 – Introduced by Mrs. McSwiggan, seconded by Mrs. Wilczynski

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 It Resolved by the Mayor and Council of the Borough of Allendale that the following transfers be made between the 2012 Budget Appropriations:

DEPARTMENT	ACCOUNT NUMBER	FROM	TO
Group Insurance	2-01-23-220-227	\$4,000	
Engineering, Other Expenses	2-01-20-165-027		\$4,000
Total Transfers		\$4,000	\$4,000

On roll call, all Council members voted in favor.

Resolution 13-90 – Introduced by Mrs. McSwiggan, seconded by Mrs. Wilczynski

Be It Resolved that the following are the salaries for Borough Employees for the year 2013 except as otherwise noted: All salaries are retroactive to January 1, 2013.

Gwen McCarthy, Borough Clerk/Administrative Officer	\$95,753
M. Alissa Mayer, Chief Financial Officer	\$78,000
Harold E. Laufeld, III, Tax Collector	\$7,722
Angela Mattiace, Tax Assessor	\$41,919
John Yakimik, Director of Operation/Borough Engineer	\$144,500
Jeffrey Picinich, Superintendent of Water Utility	\$88,426
John Wittekind, Construction Code Official	\$33,569
John Wittekind, Building Sub Code Official	\$2,239
John Wittekind, Plumbing Sub Code Official	\$2,239

John Wittekind, Zoning/Property Maintenance	\$5,818
John Wittekind, Fire Sub Code	\$895
George Scherb, Police Chief	\$144,840
Harry D. Norton, Municipal Magistrate	\$12,852
Richard Rosa, Municipal Prosecutor	\$4,908
Crossing Guards	\$18/hour
Fire Inspectors	\$14.11 to \$17.19/hour
Ernest Cassidy, Fire Prevention Official	\$4,272

On roll call, all Council members voted in favor.

Resolution 13-91 – Introduced by Mrs. McSwiggan, seconded by Mrs. Wilczynski

Whereas, the Borough of Allendale is a member municipality of the Northwest Bergen Utilities Authority (“the Authority”); and

Whereas, certain legal issues involving member municipalities and the Authority require research and legal opinions; and

Whereas, it is in the Borough’s best interest to contribute towards a fund to help absorb the costs of legal research and the rendering of opinions in order to evaluate its position;

Now, Therefore, Be It Resolved by the Governing Body for good cause that it does hereby authorize the sum of \$1,500 to be paid towards the cost of legal review, said check to be made payable to the Borough of Waldwick.

On roll call, all Council members voted in favor.

Committee Reports

Water and Sewer

Mrs. McSwiggan said that, with regard to the Sump Pump program, 589 letters have been sent out, 486 responses have been received, and 346 inspections have been conducted. Twenty violations have been found to date. The individuals who have violations still have time to get them remedied.

Mayor Barra said this program will take a significant amount of time to complete but good progress is being made.

Public Safety

Mr. Bernstein was absent,

Land Use and Construction Code

Mr. Strauch was absent.

Public Works

Mrs. White thanked the DPW and Police Departments for their outstanding help during last week's storm. Allendale received 13.1 inches of snow.

Also one of our Department of Public Works employees, William Ziegelhofer, is now a Certified Public Works Manager. Mrs. White thanked him for the time and effort he took to go back to school on behalf of the Borough. In addition he received very high marks on his coursework.

Mrs. White acknowledged the Best of Bergen award winners from Allendale that were just announced:

- Allendale Bar and Grill – runner up for best pub
- Allendale Eats – runner up for best breakfasts
- Allendale Flowers – runner up for best florist
- Flirt Sushi – winner (second time) for best sushi
- Masa – celebrity pick for best sushi
- Noshers Rye Deli – runner up for best Kosher deli
- Park Crest Cleaners – runner up for best dry cleaner
- Rohsler's Nursery – winner (seventh time) for best nursery

Mrs. White complimented all the merchants in Allendale for their contributions to the community.

Personnel, Finance and Human Resources

Ms. LaMonica was absent.

Facilities, Parks and Recreation

Mrs. Wilczynski said Ed Kalpagian of State Farm Insurance has started an Allendale beautification program. Fund raisers have been held and benches and planters have been purchased to place downtown. A ribbon cutting will be held in the Spring.

Mrs. Wilczynski also congratulated the DPW and Mr. Yakimik for doing such a good job plowing the streets after the snowstorm.

Mrs. Wilczynski complimented William Ziegelhofer for getting his Certified Public Works Manager certificate and reiterated that his final test score was very high.

Mrs. Wilczynski said the lightning detection system has been installed in Allendale and the first training session was held with the Police. It is a very sophisticated system which can detect lightning within a two mile radius. When lightning is detected, horns will sound for fifteen

seconds. Strobe lights will stay on as long as there is a danger, and an “all clear” final alarm will sound when it is safe to go back on the field. The system was purchased with funding from a Bergen County Grant.

Mrs. White added that the JIF has been encouraging municipalities to add such a system.

Director of Operations

Mr. Yakimik said the crews found substantially fewer vehicles on the roads during the most recent storm, which he credits to the SwiftReach system.

Municipal Attorney

Mr. Bole said he will have a report in Executive Session.

Municipal Clerk

Mrs. McCarthy reminded the Council that Mrs. Knispel will be retiring on February 28th. She has worked twenty six and one-half years for the Borough of Allendale and has been an exemplary employee.

An emergency phone line was set up during the last storm to transfer calls to an off-site location when the Borough Hall is closed. It was successful and the system will be perfected even more in the future.

On a motion by Mrs. White, seconded by Mrs. Wilczynski, the Council voted unanimously to adjourn at 8:40 p.m.

Respectfully submitted,

Gwen McCarthy
Municipal Clerk