

Work Session
Mayor and Council
February 12, 2013

A Work Session of the Mayor and Council was called to order at 7:37 p.m. by Mayor Barra who announced that the requirements of the Open Public Meetings Act were met by the required posting and notice to publications.

The following individuals answered roll call: Council members McSwiggan, Wilczynski, White and Mayor Barra. Mr. Bernstein, Ms. LaMonica and Mr. Strauch were absent. Mrs. McCarthy and Mr. Bole were also present.

Public Comments

Mayor Barra opened the meeting to the public for comments. There were none.

Mayor's Report

Mr. Barra stated that Allendale previously entered into an agreement with the Whitney with regard to the payment of COAH fees, and to date the Whitney has paid a significant amount of money as set forth in the agreement. The real estate market has been poor however, and their sales have not been as significant as anticipated. They have asked Allendale for an amendment to that agreement.

The Whitney agreed to pay Allendale \$3,000 for each Certificate of Occupancy as it was issued. To date they have paid approximately \$159,000 leaving \$141,000 due. Their proposal to Allendale is that they pay \$45,000 to the Borough no later than June 30, 2013. They have asked that the Borough give them until June 30, 2014 to pay the balance.

Mayor Barra stated that the Housing Trust Fund has over \$200,000 in it with no immediate need or obligation for those funds over the next twelve to eighteen months. Crescent Commons is built, occupied and fully funded. The Whitney has been very cooperative with the Borough in all aspects of the development. It is the Mayor's suggestion and recommendation to accommodate their request.

The Council was in agreement with Mr. Barra's recommendation and Mr. Bole will prepare a modification to the agreement for the next meeting of the Council.

Legal

Mr. Bole said Allendale has a sidewalk ordinance which places an obligation on the homeowner to replace and repair sidewalks.

There is a proposal to amend the ordinance so that in the event that a sidewalk is damaged by a shade tree, the Borough will replace that section of the sidewalk at no cost to the homeowners.

Mayor Barra said he has received comments from residents that they are given the obligation to repair the sections of sidewalks that are damaged by shade trees. The Public Works Committee has talked about this issue for several months and they felt it would be beneficial to the residents to make this change. The change will not apply to a resident's tree on a resident's property.

Mrs. White said this will be a long term project and that the Borough will not be able to replace all of the sidewalks that have been damaged by shade trees in the near future.

Mrs. Wilczynski said that shade trees are planted by a municipality for shade and aesthetics, but she noted that some people plant trees within the right of way and they aren't part of the shade tree program.

Mr. Barra said there is no requirement that every damaged sidewalk must be replaced at one time. It will be done on an ongoing basis, based on what the municipality can afford. He added that the Construction Code Official should cite sidewalks that are in violation of our code and have been damaged by a shade tree.

Mr. Bole added that if the Construction Code Official sees a sidewalk that is in violation, or when one is reported to him, he should act on it.

Mayor Barra said this change to the Code will increase Borough costs because the Borough is assuming an obligation that is currently the responsibility of the homeowner.

Mrs. White said she would like to review the Ordinance before it is ready for introduction.

Mr. Barra said the Borough will have to determine whether any particular tree is a shade tree.

Adjournment to Executive Session

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, the public body is of the opinion that such circumstances presently exist, and

Whereas, the Governing Body wishes to discuss:

Personnel and 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 Mrs. McSwiggan, the Council voted unanimously to adjourn to Executive Session at 8:10 p.m.

Respectfully submitted,

Gwen McCarthy
Municipal Clerk