

March 8, 2012

A regular meeting of the Borough Council was held in the Municipal Building on March 8, 2012. The meeting was called to order at 8:02 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 Mayor led those present in a salute to the flag.

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

*Minutes*

Mayor Barra said there were not sufficient votes for approval of the minutes this evening. Mr. Strauch moved, seconded by Ms. Wilczynski to carry action on the minutes of the Work and Regular sessions of February 23, 2012 to the next meeting on March 22<sup>nd</sup>.

*Public Comment*

Mayor Barra opened to the public for comments on agenda items and there being none, the meeting was closed to the public.

Mayor Barra said it is his privilege to present the following proclamation to Elizabeth Hart for making the book on the history of Allendale readily available and accessible on line to our residents:

*Whereas, Elizabeth Hart is a Junior at Northern Highlands Regional High School, and*

*Whereas, Ellie has been a Girl Scout for twelve years, and*

*Whereas, Ellie is an Ambassador Scout which is the most advanced level of the Girl Scout Program, and*

*Whereas, Ellie has earned the Gold Award which is the highest achievement that can be obtained in Girl Scouting, and*

*Whereas, a requirement of receiving this award is the completion of a community service based project, and*

*Whereas, Ellie chose to do her project on the Borough of Allendale which is where her family has lived*

*for six generations, and*

*Whereas, Ellie made an extensive history book written by Patricia Webb Wardell available to the public through the John Fell website, with bound copies also available for school and Library use.*

*Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale that Elizabeth Hart is sincerely thanked for the outstanding effort she put into the completion of her Gold Award project, which will make the history of Allendale available to the public for generations to come.*

*Introduction of Ordinances*

Ordinance No. 12-05 – Multi-Purpose Bond Ordinance

Resolution 12-91 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

**Be It Resolved** that an Ordinance entitled 12-05, “Bond Ordinance to Authorize the Making of Various Public Improvements and the Acquisition of New Additional or Replacement Equipment and Machinery, New Communication and Signal Systems Equipment, New Information Technology Equipment and New Additional Furnishings In, By and For the Borough of Allendale, in the County of Bergen, State of New Jersey, to Appropriate the Sum of \$750,000 to Pay the Cost Thereof, to Make a Down Payment, 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 22nd day of March, 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 present voted in favor.

Ordinance No. 12-06 – Water Utility Bond Ordinance

Resolution No. 12-92 – Introduced by Ms. LaMonica, seconded by

**Be It Resolved** that an Ordinance entitled 12-06, “Bond Ordinance to Authorize the Making of a Public Improvement and the Acquisition of New Additional or Replacement Equipment and Machinery and New Communication and Signal Systems Equipment, 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 \$150,000 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 22nd day of March, 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.

*Consent Agenda*

Resolution No. 12-93 – 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 March 8, 2012.

On roll call, all Council members present voted in favor.

Resolution No. 12-94 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

**Now, Therefore, Be It Resolved** by the Governing Body that the Municipal Clerk is hereby authorized to advertise for bids for the 2012 Road Resurfacing Program in The Record in accordance with law.

On roll call, all Council members present voted in favor.

Resolution No. 12-95 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

**Now, Therefore, Be It Resolved** by the Governing Body that the Municipal Clerk is hereby authorized to advertise for bids for the purchase of a 2013 Dump Truck with Snow Plow and Material Spreader, in The Record in accordance with law.

On roll call, all Council members present voted in favor.

Resolution No. 12-96 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

**Whereas**, the Borough of Allendale hires school crossing guards for the school year to cross children at various intersections in town; and

**Whereas**, this is not year round employment which is known by all parties and the days worked corresponds with the school calendar; and

**Whereas,** Board of Education employees employed for a similar period are ineligible for unemployment benefits; and

**Whereas,** the Borough of Allendale is self insured for unemployment insurance and crossing guards filing and receiving unemployment benefits have exhausted our self insured funding and are not requiring the Borough to provide additional funding to cover the deficit resulting from these claims; and

**Whereas,** this deficit is estimated to be approximately \$20,000 in this fiscal year for covering the cost of unemployment claims filed by crossing guards; and

**Whereas,** municipalities in this State are facing severe economic times and are being forced to make difficult choices and do not need the prospect of facing new expenditures; and

**Whereas,** Senate Bill 2827 introduced in the last session of the Legislature started to address this issue being experienced by all self-insured municipalities in the State, however this bill would have had to have been amended to specifically address this issue; and

**Whereas,** Assembly Bill 132 introduced in this legislative session again addresses the issue of seasonal worker unemployment claims but again needs to be amended to address the issue of municipal seasonal employees receiving unemployment during school breaks.

**Now, Therefore, Be It Resolved,** by the Mayor and Council of the Borough of Allendale that we ask our elected State Legislators to address this issue so that employees who work solely on a school calendar year be ineligible for unemployment benefits regardless of whether they work for a Board of Education or a Municipality.

On roll call, all Council members present voted in favor.

Resolution No. 12-97 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

**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 and 2011 Taxes:

**2012**

<b>Block/ Lot</b>	<b>Name</b>	<b>Property Location</b>	<b>Amount</b>
2009/11	Contrucci, Bruno & Rita 131 Elmwood Avenue Allendale, NJ 07401	131 Elmwood Ave	\$1,042.86
1604/21	Saxon Mortgage C/O Corelogic 1 Corelogic Drive Westlake, TX 76262	43 Hillside Ave	\$1,457.11

Kozakiewicz

			<b>TOTAL</b>	<b>\$2,499.97</b>
<b><u>2011</u></b>				
301/38.02	Galperin, Michael & Debra 138 Crescent Place Allendale, NJ 07401	138 Crescent Place		\$40.99
605/12	Chan, Lai Sze 100 Seabee Ln Discovery Bay, Hong Kong	35 Gloria Dr		\$27.18
801/41	Karvellas , Steven & Lisa 144 Green Way Allendale, NJ 07401	144 Green Way		\$10,941.75
1202/2	Sheehan, Cornelius & Carol 138 Duffy Drive Allendale, NJ 07401	138 Duffy Dr		\$170.41
1403/1	Brew, Phyllis Gutto 18 Canaan Place Allendale, NJ 07401	18 Canaan Place		\$875.83
1403/2	Byrne, James & MaryEllen 79 Edgewood Road Allendale, NJ 07401	79 Edgewood Rd		\$308.49
1710/1.01 C0132	McCann, Eileen 132 Orchard Park Allendale, NJ 07401	132 Orchard Park		\$18.00
			<b>TOTAL</b>	<b>\$12,382.65</b>

On roll call, all Council members present voted in favor.

Resolution No. 12-98 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

**Whereas**, the Borough Engineer has issued a report dated February 29, 2012 concerning the development of Allendale Associates at 90 Boroline Road, Block: 702, Lot: 15 and 25 Commerce Drive, Block: 702, Lot: 16, Allendale, New Jersey;

**Whereas**, in accordance with Section 147-43 and 44 of the Borough Code, the Engineer has determined that the improvements to be constructed are in general accordance with the developers agreement dated June 30, 2010 and has recommended that the developer post a maintenance guarantee or bond;

**Whereas**, the Governing Body concurs in the recommendation of the Borough Engineer;

**Now, Therefore, Be It Resolved** by the Governing Body that:

1. The developer, Allendale Associates, post a maintenance guarantee or bond in the amount of eight thousand seven hundred and thirty dollars (\$8,730.00), said maintenance guarantee to remain in effect for a period of two (2) years from the final acceptance of the bonded improvements as set forth herein. The maintenance guarantee or bond shall further be subject to approval of the Borough as to form, sufficiency and execution;
2. That upon filing with the Borough of the proper maintenance guarantee or bond, the Governing Body does hereby accept said improvements and releases the performance guarantees held by the Borough consisting of a fifty-three thousand three hundred and fifty (\$53,350.00) dollar bond and four thousand eight hundred and fifty (\$4,850.00) dollars in cash for a total of fifty eight thousand two hundred (\$58, 200.00) dollars; and

**Be It Further Resolved** that a true copy of this Resolution be provided to the developers attorney, Andrew S. Kohut, c/o Wells, Jaworski and Liebman, LLP, 12 Route 17 North, PO Box 1827, Paramus, New Jersey 07653-1827.

On roll call, all Council members present voted in favor.

Resolution No. 12-99 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

**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:

<b>Current Fund</b>	
Administration, O.E.	\$2,000
Finance, O.E.	5,000
Tax Collection, O.E.	2,000
Construction Code, O.E.	1,000
Insurance - Other, O.E.	44,000
Worker's Compensation	40,000
Unemployment Insurance	10,000
Police, O.E.	10,000
Streets & Roads, O.E.	20,000
Garbage & Trash Removal	31,000
Buildings & Grounds, O.E.	15,000
Animal Control	2,000

Telephones	10,000
Gasoline	40,000
<b>Total Current Fund</b>	<b>\$232,000</b>
<b>Water Utility Fund</b>	
Water Purchase	\$30,000

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 No. 12-100 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

**Whereas**, the Mayor and Council of the Borough of Allendale, or its designee, are authorized, upon the request of an employee, to conduct hearings with respect to personnel issues arising within the Borough; and

**Whereas**, the Mayor and Council of the Borough of Allendale have received an employee request to convene a hearing; and

**Whereas**, the Mayor and Council of the Borough of Allendale, at the recommendation of the Personnel Committee, wish to designate Mayor Barra, Councilwoman White, Councilwoman McSwiggan and Administrative Officer Gwen McCarthy to act as the Hearing Tribunal in connection with such matter and to provide a recommendation to the Mayor and Council concerning the disposition of such issues as may be raised at the hearing.

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Allendale that Mayor Barra, Councilwoman White, Councilwoman McSwiggan and Administrative Officer Gwen McCarthy be and hereby are authorized to serve as the Hearing Tribunal in connection with a pending personnel issue and to provide a recommendation to the Mayor and Council concerning the disposition of such issues as may be raised at the hearing.

**Be It Further Resolved**, that the Mayor, the Administrative Officer and the Borough Labor Attorney are authorized to take all appropriate actions so as to implement this Resolution.

On roll call, all Council members voted in favor.

### *Committee Reports*

#### Land Use and Construction Code

Mr. Strauch said the Land Use Committee met last Friday and one of the items discussed was a dispute between two neighbors on Franklin Turnpike. A letter was received from one of the neighbors asking for relief. He said the Construction Code Official and the police have become involved but recourse on the town level has been exhausted so it has now been passed on to the

County Dispute Board in Hackensack. That Board is a free service offered by the County when towns are not able to resolve such disputes. He reported that the next Land Use meeting is scheduled for Friday, March 30 at 8:15 a.m.

Administration, Finance and Human Resources

Ms. McSwiggan had no report.

Facilities, Parks and Recreation

Ms. Wilczynski said opening day for the fields is scheduled for March 24 if not earlier and the fields are in excellent shape thanks to the really good weather. She said a piece of equipment was purchased last year on the recommendation of Dan Davis and it has already met its cost in labor and material. With this new equipment it is possible to regenerate used clay. The next Facilities meeting is scheduled for March 14.

Municipal Attorney

Mr. Bole had no report.

Borough Administrator

Ms. McCarthy said the Mayor was instrumental in moving the Northwest Region Administrator's in a different direction and they will be meeting with the Mayors' group in April and with the Pascack Valley Administrator's group in May. A lot of new topics were discussed, one of which was employee wellness. She feels this is a positive direction and there seems to be a bigger sense of congeniality among the towns.

The meeting was opened to the public for comments and there being none, the meeting was closed to the public.

On a motion by Mr. Strauch, seconded by Ms. LaMonica, the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Gwen McCarthy  
Municipal Clerk