

March 24, 2011

A regular meeting of the Borough Council was held in the Municipal Building on March 24, 2011. The meeting was called to order at 9:05 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. Schoepflin, Mr. Strauch, Mrs. White, Mrs. Wilczynski and Mayor Barra. Also present were Mrs. McCarthy and Mr. Bole.

*Minutes*

Mr. Bernstein moved, seconded by Mrs. White to approve the minutes of March 10, 2011. On roll call Mr. Bernstein, Mrs. White, Mr. Schoepflin, Ms. LaMonica and Mrs. Wilczynski voted in favor. Mr. Strauch abstained.

*Resolutions*

Resolution 11-116 – Introduced by Mrs. White, seconded by Ms. LaMonica

**Be It Resolved** by the Governing Body that the By-Laws of the Borough Council are hereby amended to change the name of the Administration, Finance and Personnel Committee to Finance, Human Resources and Administration Committee;

**Be It Further Resolved** that the responsibilities of said Committee shall remain the same.

On roll call, all Council members voted in favor.

Resolution 11-120 – Introduced by Mrs. White, seconded by Ms. LaMonica

**Whereas**, sealed bids were received for the project known as Solid Waste Collection and Disposal Services for the Borough of Allendale, which bids were received on February 15, 2011;

**Whereas**, five bids were received;

**Whereas**, the bids have been reviewed and the Borough has determined to award a bid for a five year contract period based upon curbside pickup identified as item II in the bid specifications.

**Whereas**, the bid of Suburban Disposal, Inc. is the lowest responsible, responsive bidder meeting the bid specifications;

**Whereas**, the Chief Financial Officer has attached hereto a Certification that adequate funds are duly budgeted to pay for the contract;

**Now, Therefore, Be It Resolved** by the Governing Body that it hereby does award a contract for Solid Waste Collection and Disposal Services to Suburban Disposal, Inc. of Fairfield, New Jersey for a five (5) year term, commencing April 15, 2011 to April 14, 2016 in the amount of \$1,020,000 with the additional cost of Crestwood Swim Club/Crestwood Park Solid Waste Collection beginning Memorial Day through Labor Day at \$100 per collection and, furthermore, a five year tipping fee of \$67 per ton. Service shall be for once per week pickup service curbside with twice a week pickup service for garbage and refuse pickup 52 weeks per year, trash pickup 12 times per year and white goods and cardboard pickup 12 times per year, as set forth in the specifications.

**Be It Further Resolved** that the Mayor and Municipal Clerk are authorized to sign a contract with Suburban Disposal, Inc. following legal review;

**Be It Further Resolved** that the bid documents of the next low bidder, Future Sanitation, Inc., be held pending execution of the contract with the successful bidder.

On roll call, all Council members voted in favor.

*Consent Agenda*

Resolution 11-110 – 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 the application of the Guardian Angel Church to hold a carnival from June 22, 2011 through June 25, 2011.

On roll call, all Council members voted in favor.

Resolution 11-111 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

**Whereas**, there is a request by the Allendale Chamber of Commerce to hold the Allendale Holiday Walk on Friday, December 2, 2011 from 7:00 p.m. to 9:00 p.m., and

**Whereas**, West Allendale Avenue will be closed for this event from the town clock to DeMercurio Drive beginning at 6:30 p.m.,

**Whereas**, the Chamber of Commerce will, after approval, coordinate the event with the Police Department, the Fire Department and the Department of Public Works;

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

On roll call, all Council members voted in favor.

Resolution 11-112 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

**Whereas**, there is a request by the Allendale Chamber of Commerce to hold the Allendale Festival Day and Car Show on Saturday, October 1, 2011 from 8:00 a.m. to 6:00 p.m., and

**Whereas**, West Allendale Avenue will be closed for this event from the town clock to DeMercurio Drive.

**Whereas**, the event will also take place in the NJ Transit parking area,

**Whereas**, the Chamber of Commerce will, after approval, coordinate the event with the Police Department, the Fire Department and the Department of Public Works;

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

On roll call, all Council members voted in favor.

Resolution 11-113 – 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 Raffle License #353 as follows:

Rose Foundation of Haiti, Inc.  
May 7, 2011  
Casino Night  
6:00 to 10:30 p.m.  
Guardian Angel Church

Prizes will be donated items to include a catering party for twenty, Asian artwork, a private tour of the White House and ten Broadway play tickets.

On roll call, all Council members voted in favor.

Resolution 11-114 – 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 Raffle License #354 as follows:

Rose Foundation of Haiti  
May 7, 2011

On Premises 50/50 Raffle

6 p.m.

Raffle Location: Guardian Angel Church, 320 Franklin Turnpike

Prizes will be 50% of the proceeds from ticket sales.

On roll call, all Council members voted in favor.

Resolution 11-115 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

**Whereas**, Gopal Mohan is the owner of real estate known as Lot 10.02, Block 2003 and better known as 65 Chestnut Street, Allendale, New Jersey; and

**Whereas**, the owner has filed a 2009 tax appeal challenging the tax assessment on the property; and

**Whereas**, Lot 10.02, Block 2003 was assessed for the tax year 2009 in the total amount of \$617,700; 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 exhaustive negotiations with counsel for the taxpayer; and

**Whereas**, the parties have been able to arrive upon a proposed settlement agreement where there would be a revised assessment for the year 2009 of \$536,500 with the Freeze Act to apply for the years 2010-2011; 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 believe that 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 of Allendale with respect to the Mohan v. Allendale tax appeal pending in the Tax Court of New Jersey for the tax year 2009 under docket number 017329-2009 at the new assessment set forth above; and

**Be It Further Resolved** that upon receipt of the Tax Court Judgment that the Tax Collector is hereby authorized to calculate the amount of the refund and cause same to be paid to the taxpayer, without statutory interest, for the 2009 appeal within sixty (60) days from the date of the Tax Court Judgment;

**Be It Further Resolved** that this settlement is subject to agreement 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 11-115 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

**Whereas**, Gopal Mohan is the owner of real estate known as Lot 10.02, Block 2003 and better known as 65 Chestnut Street, Allendale, New Jersey; and

**Whereas**, the owner has filed a 2009 tax appeal challenging the tax assessment on the property; and

**Whereas**, Lot 10.02, Block 2003 was assessed for the tax year 2009 in the total amount of \$617,700; 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 exhaustive negotiations with counsel for the taxpayer; and

**Whereas**, the parties have been able to arrive upon a proposed settlement agreement where there would be a revised assessment for the year 2009 of \$536,500 with the Freeze Act to apply for the years 2010-2011; 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 believe that 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 of Allendale with respect to the Mohan v. Allendale tax appeal pending in the Tax Court of New Jersey for the tax year 2009 under docket number 017329-2009 at the new assessment set forth above; and

**Be It Further Resolved** that upon receipt of the Tax Court Judgment that the Tax Collector is hereby authorized to calculate the amount of the refund and cause same to be paid to the taxpayer, without statutory interest, for the 2009 appeal within sixty (60) days from the date of the Tax Court Judgment;

**Be It Further Resolved** that this settlement is subject to agreement 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 11-117 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

**Be It Resolved** that the following individuals be and they are appointed to the named Board or Commission for the period specified:

NAME AND BOARD OR COMMISSION TERM EXPIRES

Board of Health

Linda Morgan 12/31/2013

On roll call, all Council members voted in favor.

Resolution 11-118 – 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 check on the property listed below and charge same to Overpayment of 2010 Taxes:

<u>Block/ Lot</u>	<u>Name</u>	<u>Property Location</u>	<u>Amount</u>
104/30	Trajkovic, Sasa & Christine 6 E Elbrook Drive Allendale, NJ 07401	6 E Elbrook Drive	\$3,096.43
301/15	Reilly, Gail 109 Woodland Avenue Allendale, NJ 07401	109 Woodland Ave	\$230.72
507/7	Benvenuto, Robert & Kathleen 5 Knollton Road Allendale, NJ 07401	5 Knollton Rd	\$885.46
511/16	TD Bank Attn: Escrow Dept 32 Chestnut Street Lewiston, ME 04240 Toy	10 Wilton Dr	\$557.64
801/4	Neill, Brian & Dana	159 E Allendale Ave	\$3,565.16

	159 E Allendale Avenue Allendale, NJ 07401		
910/15.01	Yoon, Seung Jun & Song, Bok Sook 29 Plumeria Irvine, CA 92620	32 Ivers Rd	\$5,782.04
911/23	Troyanovski, Charles Toron, Susan 64 Pittis Avenue Allendale, NJ 07401	64 Pittis Ave	\$2,879.86
1202/1	Linear Title & Closing 127 John Clarke Road First Floor Middletown, RI 02842 Tsui	189 Donnybrook Dr	\$716.59
1204/10	Ellenbogen, Myra 24 Dogwood Drive Allendale, NJ 07401	24 Dogwood Dr	\$3,968.89
1204/15	Lucas, James & Kathleen 3 Surrey Lane Allendale, NJ 07401	3 Surrey Lane	\$27.95
1403/2	Byrne, James & Maryellen 79 Edgewood Road Allendale, NJ 07401	79 Edgewood Rd	\$1,243.06
2004/13	Ural, Arda & Cagla 19 Waibel Drive Allendale, NJ 07401	19 Waibel Dr	\$2,245.70
2004/19.00	Librot, Kenneth 44 Rio Vista Dr Allendale, NJ 07401	26 McDermott Ct	\$2,371.14
2004/19.00	Librot, Lynn 7 Ackerman Road Saddle River, NJ 07458	26 McDermott Ct	\$2,371.14
2004/23	Wendeborn, Peter & Lisa 3 Homewood Ave Allendale, NJ 07401	3 Homewood Ave	\$204.34

On roll call, all Council members voted in favor.

Resolution 11-119 – 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 pay rate below and appoints the following individual as staff for the Crestwood Lake Swim Club 2011 Season as follows:

<b>Name</b>	<b>Position</b>	<b>Salary</b>
Tom Viscardi	Director	\$14,000
Leighton Yates	Assistant Director	\$ 9,400
Kevin Hughes	Assistant Director	\$ 8,250

On roll call, all Council members voted in favor.

Resolution 11-121 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

**Now, Therefore, Be It Resolved** that rates for Resident Compost Permits for the 2011 season are as follows:

- Resident Compost Permit \$30.00

On roll call, all Council members voted in favor.

Resolution 11-122 – 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 24, 2011.

On roll call, all Council members voted in favor.

Resolution 11-123 – 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 a Crestwood Lake Swim Dock in The Record in accordance with law.

On roll call, all Council members voted in favor.

Resolution 11-124 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

**Whereas**, the Borough of Allendale intends to utilize credit cards as a form of an electronic funds transfer for collecting registration fees for Crestwood Lake;

**Whereas**, “electronic receipt” includes any receipt transaction made through the use of a credit card;

**Now, Therefore Be It Resolved** by the Governing Body that it does hereby authorize collection of registration fees for Crestwood Lake by means of an electronic funds transfer in the form of a credit card;

**Be It Further Resolved** that the Borough may process Visa and Master credit cards as the types of electronic receipt that shall be permitted;

**Be It Further Resolved** that this resolution is intended to comply with N.J.S.A. 40A:5-45 et seq. and N.J.A.C. 5:30-9.3 et seq.

On roll call, all Council members voted in favor.

Resolution 11-125 – 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 2011 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: \$1,559,806.
2. That said emergency temporary appropriation will be provided in the 2011 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 11-126 – 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 2011 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>Water Utility</b>	
Water Purchase	\$25,000

2. That said emergency temporary appropriation will be provided in the 2011 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.

### *Committee Reports*

#### Public Safety

Mr. Bernstein said the Public Safety committee met last Thursday. They had a very worthwhile meeting which included the Ambulance Corps.

#### Public Works

Mrs. White said on Tuesday she, Ms. LaMonica and Mrs. Wilczynski went to Northern Highland to meet with DECA students who had put together a marketing project with ideas to increase membership at Crestwood Lake. Three of the top teams gave a presentation of their marketing plans. Mrs. White commented that their ideas were wonderful and thanked Northern Highlands for the support they showed to the Borough of Allendale.

#### Land Use and Construction Code

Mr. Strauch reported that the next meeting of the Land Use Committee will be April 1<sup>st</sup> at 8:15 a.m. at Borough Hall.

#### Water, Sewer and Public Utilities

Mr. Schoepflin said there are fewer than forty water meters that still need to be installed. All the bills have been accurately reported and a few billing issues still need to be resolved. The next meeting of his committee will be April 14<sup>th</sup>.

#### Administration, Finance and Human Resources

Ms. LaMonica stated that her committee has met with the Auditor and the CFO and the budget will be introduced on April 14<sup>th</sup>. They have entered into the final phase of selecting a Chief of Police. The three candidates will be interviewed on March 28<sup>th</sup> and 30<sup>th</sup> with a recommendation to the Council to follow shortly thereafter.

#### Facilities, Parks and Recreation

Mrs. Wilczynski said the field will be open on April 2<sup>nd</sup>. Her committee is still working on a change to allowing residents to make electronic reservations for Crestwood.

Municipal Attorney

Mr. Bole did not have a report

Municipal Clerk/Administrative Officer

Mrs. McCarthy said the photographs of the Council members have been framed and are in the process of being installed in the lobby areas of the Borough Hall.

Director of Operations

Mr. Cauwenberghs reported that he and Officer Lawler were able to close of a FEMA report in the amount of \$37,779. Allendale should receive 25% of that amount.

Mayor Barra opened the meeting to the public for comments.

Michelle Westermeyer of 115 West Allendale Avenue commented that Shared Services are very successful when you have congenial people. She is proud of living in Allendale.

Ms. Westermeyer asked again if the bulky items that are located at 115 West Allendale Avenue can be removed.

When there were no additional comments the meeting was adjourned.

Respectfully submitted,

Gwen McCarthy  
Municipal Clerk