

March 28, 2013

A regular meeting of the Borough Council was held in the Municipal Building on March 14, 2013. The meeting was called to order at 8:01 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 following Council members answered roll call: Mr. Bernstein, Ms. LaMonica, Mrs. McSwiggan, Mr. Strauch, Mrs. White, Mrs. Wilczynski and Mayor Barra. Also present were Mrs. McCarthy and Mr. Bole.

Mayor Barra announced that the Public Hearing with regard to the approval of a contract with United Water would be held at the end of the Regular Session.

Approval of Minutes

Mrs. McSwiggan moved, seconded by Mrs. White to approve the minutes of the special meeting of March 11 and the Work Session of March 14, 2013. On roll call Mrs. McSwiggan and Mrs. White voted in favor of both sets of minutes. Mr. Bernstein and Mr. Strauch abstained from voting on the minutes of March 11th, and voted in favor of the minutes of March 14th. Ms. LaMonica abstained from voting on the minutes of March 11th and March 14th. Mrs. Wilczynski abstained from voting on the Work Session Minutes of March 14th but voted in favor of the March 11th minutes.

Public Hearings on Advertised Ordinances

Ordinance 13-02 E Industrial Zone District

Mr. Barra opened the meeting to the public for comments on Ordinance 13-02. There were none.

Resolution 13-214 - Introduced by Mr. Strauch, seconded by Mrs. White

Be It Resolved that an Ordinance entitled 13-02 “Amend Chapter 270 ‘Zoning’ with regard to the E Industrial District” be passed upon second and final reading and that the Borough Clerk be and she is hereby authorized and directed to advertise the same according to law.

On roll call, all Council members voted in favor.

(See Ordinance 13-02, attached and made a part hereof.)

Ordinance 13-06 Sidewalk or Curb Damage Caused by Shade Trees

Mr. Mark Savastano of 22 Vreeland Place asked for additional information on Ordinance 13-06.

Mayor Barra explained that the Borough will accept responsibility for those sections of sidewalk that have been damaged by Borough planted shade trees in the Borough owned right of way. Money will be put into the budget each year to continue to fund this program.

Mr. Savastano asked what constitutes a shade tree. Mayor Barra said there may not be records of trees that date back many years, but the Shade Tree Commission and the Code Official will know the types of trees that were planted by the Borough.

Resolution 13-215 – Introduced by Mrs. White, seconded by Mrs. Wilczynski

Be It Resolved that an Ordinance entitled 13-06 “Amend Chapter 233 ‘Streets and Sidewalks’ with regard to Sidewalk or Curb Damage Caused by a Shade Tree” be passed upon second and final reading and that the Borough Clerk be and she is hereby authorized and directed to advertise the same according to law.

On roll call, all Council members voted in favor.

(See Ordinance 13-06, attached and made a part hereof.)

Public Comments

The meeting was opened to the public for comments on agenda items excluding the approval of the Water Contract with United Water. There were none.

Introduction of Ordinances

Ordinance 13-07 Exceed the Municipal Budget Appropriation and Establish a CAP Bank

Resolution 13-216 – Introduced by Mrs. McSwiggan, seconded by Ms. LaMonica

Be It Resolved that an Ordinance entitled 13-07, “An Ordinance to Exceed the Municipal Budget Appropriations and to Establish a CAP Bank ” 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 11th day of April, 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 13-07, attached and made a part hereof.)

Resolution 13-228 – Introduced by Mrs. White, seconded by Ms. LaMonica

Whereas, the Borough of Allendale desires to establish the 2013 Temporary Capital Budget of said municipality by inserting therein the following project.

Now, Therefore Be It Resolved by the Council of the Borough of Allendale as follows:

Section 1. The Temporary Capital Budget of Allendale is hereby established by the adoption of the schedule to read as follows:

Temporary Capital Budget
Borough of Allendale
County of Bergen, New Jersey
Projects Scheduled for 2013
Method of Financing

Project	Estimated Costs	Grants Capital Improvement Fund	Bonds
Various Improvements	\$794,700	\$36,000	\$714,000

On roll call, all Council members voted in favor.

Ordinance 13-09 Bond Ordinance

Resolution 13-218 – Introduced by Mrs. McSwiggan, seconded by Ms. LaMonica

Be It Resolved that an Ordinance entitled 13-09, “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 \$794,700 to Pay the Cost Thereof, to Appropriate a County Grant and a Contribution from the Borough of Ramsey, 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 11th day of April, 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 13-09 attached and made a part hereof.)

Resolutions

Resolution 13-229 – Introduced by Mrs. White, seconded by Mrs. LaMonica

Be It Resolved by the Governing Body that an Agreement between the Borough of Allendale and Local No. 11, affiliated with the International Brotherhood of Teamsters, for a term commencing January 1, 2013 through December 31, 2015 which Agreement is on file in the office of the Municipal Clerk is hereby authorized and approved; and

Be It Further Resolved that the salaries for the positions set forth in said Agreement shall be in accordance with the terms of the Agreement and the annual salary ordinances and implementing resolutions adopted by the Governing Body from year to year.

Be It Further Resolved that the Mayor and Municipal Clerk are authorized to sign the Agreement on behalf of the Borough.

On roll call, all Council members voted in favor.

Consent Agenda

Resolution 13-219 – 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 28, 2013.

On roll call, all Council members voted in favor.

Resolution 13-220 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

Whereas, Allendale Whitney LLC has previously executed a developers agreement, first amendment and second amendment to developers agreement with the Borough of Allendale involving property at Block 2101, Lots 1.01 through 1.2308 on the tax assessment map; and

Whereas, Allendale Whitney has previously reached an agreement with the Borough in connection with its obligation to pay COAH fees; and

Whereas, due to current market conditions, Allendale Whitney has requested an extension of time for the payment of the balance of its COAH fee obligation; and

Whereas, the Governing Body has reviewed this request and has found just cause;

Now, Therefore, Be It Resolved, by the Governing Body that it does hereby authorize a Third Amendment to Developers Agreement in the form attached hereto whereby Allendale Whitney shall make an additional payment of Forty Five Thousand (\$45,000.00) Dollars no later than June 30, 2013 and continue making payments in the amount of \$3,000.00 per market rate unit with the remaining balance due and owing no later than June 30, 2014; and

Be It Further Resolved, that the Mayor and Municipal Clerk are authorized to sign such agreement on behalf of the Borough.

On roll call, all Council members voted in favor.

Resolution 13-221 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

Be It Resolved that the following rates be and are hereby approved for Crestwood Lake for the 2013 season.

Resident Rates

Adult (age 18-61)	\$ 90
Caregiver	\$ 90
Child (age 3-17)	\$ 50
Teen individual membership (age 13 and over)	\$100
Allendale Special Needs Housing	\$ 60
Senior (age 62 and over)	\$ 60
Maximum Family	\$350

Non Resident Rates

Adult (age 18-61)	\$200
Caregiver	\$200
Child (age 3-17)	\$ 75
Teen individual membership (age 13 and over)	\$100
Senior (age 62 and over)	\$ 75
No Maximum Family	

Guest Fees for Residents and Non-Residents

Daily	\$ 10
Guest Books (10 passes)	\$ 90
Guest Books on Crestwood Lake Day only 10 a.m. to 3 p.m.	\$ 50

Beach Party Rental

West Beach (4-7 p.m. Monday thru Friday)	\$175
West Beach (12 to 7 p.m. Saturday and Sunday)	\$350

Playground Beach (1 to 20 people)	\$100
Playground Beach (21 to 40 people)	\$150
Playground Beach (41+ people)	\$200

Red Barn

All rates are non-refundable

Allendale Families	\$250
Allendale Businesses	\$500

Non-profit organizations are allowed to pay the family rate.

On roll call, all Council members voted in favor.

Resolution 13-222 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

Now, Therefore, Be It Resolved that rates for Resident Compost Permits for the 2013 season are as follows:

- Resident Compost Permit \$30.00

On roll call, all Council members voted in favor.

Resolution 13-223 - Introduced by Mr. Strauch, seconded by Ms. LaMonica

Be It Resolved by the Governing Body that the attached Municipal Facilities Usage Policies and Procedures are hereby adopted and approved until further order of the Governing Body.

On roll call, all Council members voted in favor.

(See copy attached hereto, and made a part hereof.)

Resolution 13-224 – 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 a check to the following due to a State Tax Board Judgment for the tax years 2012:

2012

Block/Lot	Name	Amount
702/17	Daniel G. Keough, Trustee	\$28,367.53

Ventura, Miesowitz, Keough & Warner
783 Springfield Avenue
Summit, NJ 07901-2332
Riggs & Co.

On roll call, all Council members voted in favor.

Resolution 13-225 – 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 Taxes:

Block/ Lot	Name	Property Location	Amount
1302/2	BAC Tax Services Corporation PO Box 10211 Van Nuys, CA 91410-0211 Taylor	504 Paul Ave	\$904.47
1710/1.01 C0132	McCann, Eileen 132 Orchard Park Allendale, NJ 07401	132 Orchard Park	\$1,452.24
TOTAL			\$2,356.71

On roll call, all Council members voted in favor.

Resolution 13-226 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

Now, Therefore, Be It Resolved that the Mayor and Council of the Borough of Allendale does hereby grant permission to a Rugby Game on Monday, May 27, 2012 at 1:00 p.m. at the Upper Field at Crestwood Park.

On roll call, all Council members voted in favor.

Resolution 13-227 – 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 12 through June 15, 2013.

On roll call, all Council members voted in favor.

Committee Reports

Water and Sewer

Mrs. McSwiggan reported that there have been 756 voluntary responses to letters sent out regarding sump pump inspections. Six hundred twenty seven inspections have been completed with 24 violations noted, 7 of which have been abated.

Public Safety

Mr. Bernstein said there was a productive meeting the previous day with the Public Safety Committee but he did not have a further report for the Council.

Land Use and Construction Code

Mr. Strauch said the next meeting of the Land Use Committee will be on April 5th at 8:30 a.m. at the Borough Hall.

Public Works

Mrs. White said the signals are up at the corner of Myrtle Avenue and West Crescent Avenue and they should be functional by sometime in April. Also the Safe Routes to School sidewalks are going in.

Personnel, Finance and Human Resources

Ms. LaMonica did not have a report but she asked the audience to watch for the newest edition of the newsletter that deals with the Budget.

Facilities, Parks and Recreation

Mrs. Wilczynski said this afternoon she received a phone call from the Deputy Executive Director of the Port Authority of New York and New Jersey who advised her that Allendale was selected to receive a piece of steel from the World Trade Center. A letter of request and several follow-up letters were sent in over two years ago. The letter went to the Governor's Office and the Governor knew of Allendale and wanted a part of the Trade Center sent here. She doesn't know the size of it, but the piece of steel will be coming in to Kennedy Airport in the next few weeks. It will likely be incorporated into the 9-11 Memorial at Crestwood Park.

Municipal Attorney

Mr. Bole did not have a report.

Municipal Clerk

Mrs. McCarthy did not have a report.

The meeting was opened to the public for comments on topics other than the water contract.

Mr. Mark Savastano of 22 Vreeland Place said he is concerned about the signage with regard to the traffic signal on Myrtle Avenue and West Crescent Avenue.

Mr. Savastano said he is concerned about drivers who will try to avoid the traffic signal by going down side streets. That situation occurred previously during construction.

Mr. Barra responded that during construction people look for other ways to drive, but once the light is installed, people will adjust to it and will develop new patterns of driving. Allendale also has the advantage of having a Borough Engineer on staff and he will closely monitor the situation.

Mrs. White said she hopes the backup on Myrtle Avenue will be decreased, not increased. She added that it is crucial to have a traffic signal at that intersection.

Mayor Barra announced that the Public Hearing would now begin with regard to the proposed agreement for the operation and maintenance of the Borough's Water System by United Water.

A verbatim transcript of the public hearing is attached and made a part of the minutes of this meeting.

On a motion by Mr. Strauch, seconded by Mrs. White, the Council voted unanimously to adjourn at 10:00 p.m.

Respectfully submitted,

Gwen McCarthy
Municipal Clerk