

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
April 9, 2015

A Regular meeting of the Borough Council was held in the Municipal Building on April 9, 2015. The meeting was called to order at 8:00 p.m. by Mayor White. Mr. Valenzuela announced that the requirements of the Open Public Meetings Act were met by the required postings and notice to publications. In addition, this evening's meeting is being recorded.

Mrs. White led those present in the Pledge of Allegiance.

The following Council members answered roll call: Council members Bernstein, Homan, McSwiggan, Sasso, Wilczynski and Mayor White. Mr. Strauch was absent. Mr. Valenzuela and Mr. Wiss were also present.

Approval of Minutes

Mrs. McSwiggan moved, seconded by Mr. Sasso, to approve the Work Session Minutes of January 22, 2013. On roll call, all Council members voted in favor. Mrs. McSwiggan moved, seconded by Mr. Bernstein, to approve the Special Meeting Minutes of February 4, 2015. On roll call, all Council members voted in favor.

Public Hearings for Advertised Ordinances

Ordinance 15-07
Exceed the Budget Appropriation Limits and Establish a CAP Bank

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

Resolution 15-131a – Introduced by Mr. Bernstein, seconded by Mr. Sasso

Be It Resolved that Ordinance 15-07, “Calendar year 2015 Ordinance to exceed the Municipal Budget appropriation limits and to establish a CAP Bank” be passed upon second and final reading and that the Borough Clerk is hereby authorized and directed to advertise the same according to law.

On roll call, all Council members voted in favor.

(See Ordinance 15-07, attached and made a part hereof.)

Ordinance 15-08
Amendment to Property Maintenance Code, Chapter 199-12(N) – Fire Hydrants

Mayor White opened the meeting to the public for comments.

Mark Savastano of 22 Vreeland Place said he has a fire hydrant on his front lawn. He has no objection to cleaning it after a snow fall but he believes that the neighborhood should be responsible for cleaning the hydrant as everyone benefits from it.

Mrs. White responded that she understands his concern because her property has a sidewalk that must be cleared after it snows, but this is a public safety issue.

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Mrs. Wilczynski added that in the past the Fire Department and the DPW have cleared the hydrants but on a year such as this one, it is too difficult for them to keep up with all the hydrants that need to be cleaned. Something has to be done in the interest of public safety to ensure that the hydrants are cleared after a storm. The old practice of everybody helping is still the most desirable and hopefully entire neighborhoods will offer their help.

Mayor White said most of the neighboring towns have implemented an ordinance such as this one. It is critical for public safety that this ordinance is passed.

Mr. Savastano said he finds the ordinance to be an unnecessary burden on the homeowner whose property has a fire hydrant.

Mr. Sasso noted that the State of New Jersey may be working on a similar statute.

Mrs. McSwiggan said Glen Rock has recently passed a similar ordinance.

Mrs. White said any resident who needs help with clearing a hydrant can contact the Borough Hall for assistance.

Resolution 15-131b – Introduced by Mrs. McSwiggan, seconded by Mrs. Wilczynski

Be It Resolved that Ordinance 15-08, “An Ordinance to Amend, Supplement and Revise the Code of the Borough of Allendale, Property Maintenance, Chapter 199-12(N)”, be passed upon second and final reading and that the Borough Clerk is hereby authorized and directed to advertise the same according to law.

On roll call, all Council members voted in favor.

(See Ordinance 15-08, attached and made a part hereof.)

Ordinance 15-09

Amendment to Sales and Solicitation, Chapter 194-12 through 194-21

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

Resolution 15-131c – Introduced by Mrs. McSwiggan, seconded by Mrs. Homan

Be It Resolved that Ordinance 15-09, “An Ordinance to Amend and Supplement Chapter 194 of the Code of the Borough of Allendale entitled, Sales and Solicitation”, be passed upon second and final reading and that the Borough Clerk is hereby authorized and directed to advertise the same according to law.

On roll call, all Council members voted in favor.

(See Ordinance 15-09, attached and made a part hereof.)

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Ordinance 15-10

Smoke Free Zones and Areas

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

Resolution 15-131d – Introduced by Mr. Sasso, seconded by Mrs. Wilczynski

Be It Resolved that Ordinance 15-10, “An Ordinance to Amend and Supplement Chapter 233 of the Code of the Borough of Allendale entitled, Smoke Free Zones and Areas”, be passed upon second and final reading and that the Borough Clerk is hereby authorized and directed to advertise the same according to law.

On roll call, all Council members voted in favor.

(See Ordinance 15-10, attached and made a part hereof.)

Public Comments

Mrs. White opened the meeting to the public for comments on any agenda items. There were none.

Resolutions

Resolution 15-132 – Introduced by Mr. Bernstein, seconded by Mrs. Wilczynski
Authorizing Combining General Improvement Bonds into a Single Issue

On roll call, all Council members voted in favor.

(See Resolution 15-132, attached and made a part hereof.)

Resolution 15-133 – Introduced by Mrs. McSwiggan, seconded by Mrs. Homan
Authorizing Combining Water Utility Bonds into Single Issue

On roll call, all Council members voted in favor.

(See Resolution 15-133, attached and made a part hereof.)

Resolution 15-134 – Introduced by Mrs. McSwiggan, seconded by Mrs. Homan
Authorize Publication, Printing and Distribution of Notice and Sale of General and Water Utility Improvement Bonds

On roll call, all Council members voted in favor.

(See Resolution 15-134, attached and made a part hereof.)

Resolution 15-142 – Introduced by Mr. Bernstein, seconded by Mrs. Homan
Resolution Prescribing Details and Bond Form Series 2015

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On roll call, all Council members voted in favor.

(See Resolution 15-142, attached and made a part hereof.)

Resolution 15-143 – Introduced by Mr. Bernstein, seconded by Mr. Sasso
Authorize Publication, Printing and Distribution of Notice of Summary Notice of Sale of General Improvement Refunding Bonds Series 2015

On roll call, all Council members voted in favor.

(See Resolution 15-143, attached and made a part hereof.)

Consent Agenda

Resolution 15-135 – Introduced by Mr. Sasso, 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 April 9, 2015.

On roll call, all Council members voted in favor.

Resolution 15-136 – Introduced by Mr. Sasso, seconded by Mrs. Wilczynski

Whereas, an emergent condition has arisen with respect to certain budget appropriations and no adequate provision has been made in the 2015 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:

Current Fund:

Administration, O.E.	\$ 5,000
Group Insurance, O.E.	\$70,000
Police, O.E.	\$10,000
Radio Equipment Maint., O.E.	\$ 1,000
Streets, S&W	\$65,000
Snow Removal, O.E.	\$16,000
Buildings & Grounds, O.E.	\$18,000
Animal Control, O.E.	\$ 1,000
Parks, O.E.	\$13,000
Crestwood, O.E.	\$ 5,000
Electricity, O.E.	\$ 6,200

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Street Lighting, O.E.	\$ 5,200
Telephones, O.E.	\$ 2,000
Gas Heat, O.E.	\$ 7,000

Total **\$224,400**

2. That said emergency temporary appropriation will be provided in the 2015 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 15-137 – Introduced by Mr. Sasso, seconded by Mrs. Wilczynski

Be It Resolved that the Mayor is hereby authorized to sign the Agreement with TruGreen to provide landscaping services for the 2015 Turf Program.

On roll call, all Council members voted in favor.

Resolution 15-138 – Introduced by Mr. Sasso, seconded by Mrs. Wilczynski

Be It Resolved that the Mayor is hereby authorized to sign the Agreement with High Mountain Landscaping to provide landscaping services to Orchard Commons.

On roll call, all Council members voted in favor.

Resolution 15-139 – Introduced by Mr. Sasso, 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 check on the property listed below and charge same to Overpayment of 2015 Taxes:

Block/Lot	Name	Property Location	Amount
2101/9 C0110	MB Financial 1 Corelogic Way Westlake, TX 76262 Schnure	110 Carriage Court	\$2,737.48

Be It Further 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 due to 2014 Exempt Property Status and charge same to Overpayment of 2015 Taxes:

103/1	Northern Highlands Regional High School 298 Hillside Avenue	300 Hillside Avenue	\$2,421.73
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Allendale, NJ 07401

On roll call, all Council members voted in favor.

Resolution 15-140 – Introduced by Mr. Sasso, seconded by Mrs. Wilczynski

Whereas, pursuant to Chapter 203, Section 20A of the Code of the Borough of Allendale, fees for the use of recreational facilities are to be established annually by Resolution of the Governing Body.

Now, Therefore, Be It Resolved, that the following rates be and are hereby approved for Crestwood Lake for the 2015 season:

Resident Rates: Early Registration. On or Before 5/20/15

1 st Family Member	\$175
2 nd Family Member (same address)	\$110
3 rd Family Member (same address)	\$ 50
4 th Family Member (same address)	\$ 50
5 th Family Member (same address)	\$ 50
6 th Family Member (same address)	\$ 50
7 th Family Member (same address)	\$ 50
Extra Adult (same address)	\$150
Allendale Special Needs Housing	\$ 60
Senior (age 62 and over)	\$ 65
Active Military and Veterans (20% off individual price)	\$140

Resident Rates: Registration. After 5/20/15

1 st Family Member	\$190
2 nd Family Member (same address)	\$125
3 rd Family Member (same address)	\$ 55
4 th Family Member (same address)	\$ 55
5 th Family Member (same address)	\$ 55
6 th Family Member (same address)	\$ 55
7 th Family Member (same address)	\$ 55
Extra Adult (same address)	\$150
Allendale Special Needs Housing	\$ 60
Senior (age 62 and over)	\$ 70
Active Military and Veterans (20% off individual price)	\$152

Non Resident Rates

1 st Family Member	\$275
2 nd Family Member (same address)	\$175

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3 rd Family Member (same address)	\$ 90
4 th Family Member (same address)	\$ 90
5 th Family Member (same address)	\$ 90
6 th Family Member (same address)	\$ 90
7 th Family Member (same address)	\$ 90
Extra Adult (same address)	\$200
Senior (age 62 and over)	\$ 75

Guest Fees for Residents and Non-Residents (2 books per family)

Daily	\$ 10
Guest Books (10 passes)	\$ 90

Badge Replacement for Residents and Non-Residents

Cost	\$ 5
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Lifeguard Fee for Beach and Camp Rentals

Cost	\$ 20 per hour
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Beach Party Rental

West Beach (4 to 7 p.m. Monday thru Friday)	\$175
West Beach (12 to 7 p.m. Saturday & Sunday)	\$350
Playground Beach (1 to 20 people)	\$100
Playground Beach (21 to 40 people)	\$150
Playground Beach (41+ people)	\$200

Kayak Rental

\$3 per ½ hour

Hours: Weekdays 3-7 p.m.; Weekends 12-5 p.m.

Age Restrictions: 11 and over without an adult; 10 and under with adult only on 2 person kayak

Red Barn and Pavilion (Pavilion available after Labor Day until Mid-November)

All rates are non-refundable

Allendale Families	\$250
Allendale Businesses	\$500
Businesses not able to rent Pavilion	

Swim Lessons

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\$50 per person

Day Camp Rentals

As per discretion of Lake Director:

1 to 25 kids: \$250 per day (up to 3 hours)
26 to 50 kids: \$500 per day (up to 3 hours)
Over 50 kids: Additional \$5 per child

Be It Further Resolved that free family memberships be granted to Allendale Firefighters, Ambulance Corps Personnel, CERT Personnel and Mayor and Council members; and

Be It Further Resolved that employees of the Allendale Elementary School District and Northern High School shall be charged 25% off the Non-Resident Rates captioned above.

On roll call, all Council members voted in favor.

Resolution 15-141 – Introduced by Mr. Sasso, seconded by Mrs. Wilczynski

Whereas, the Borough of Allendale (“Allendale”) owns real property and facilities located at 101 New Street; and

Whereas, a spill of what appears to be a petroleum product was recently discovered at 101 New Street requiring further analysis and investigation as per applicable New Jersey statutory and regulatory laws; and

Whereas, the New Jersey Public Contracts Law, N.J.S.A. 40A:11-1, et seq. (“NJPCCL”) provides under N.J.S.A. 40A:11-5 that contracts for professionals which exceed the bid threshold in the NJPCCL may be awarded without public advertising and bidding therefore; and

Whereas, the analysis and investigation of the foregoing spill/condition requires the Borough to retain professional environmental services to properly attend to same; and

Whereas, Dewberry Engineers, Inc. (“Dewberry”) has submitted to the Borough of Allendale a March 20, 2015 proposal for certain professional environmental services and direct expenses in connection with the foregoing analysis and investigation (the “March 20, 2015 Proposal”); and

Whereas, Allendale by its adoption of this Resolution wishes to memorialize its approval of a contract with Dewberry whereby Dewberry will perform those services and incur those direct expenses set forth and described as Tasks 1, 2, 3 and 4 in the March 20, 2015 Proposal at a cost of \$25,528.00 and \$15,446.48, respectively for a total cost of \$40,974.48;

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale that (1) the Borough contract with Dewberry for those services and expenses described above in the March 20,

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2015 Proposal as Tasks 1, 2, 3 and 4; (2) that Allendale's Borough Administrator, Director of Operations and Borough Attorney are authorized to take all appropriate actions so as to implement this Resolution; and (3) that a brief notice of the nature, duration, service and amount of the aforesaid contract with Dewberry be printed in the Borough's official newspaper as required pursuant to N.J.S.A. 40A:11-5.

On roll call, all Council members voted in favor.

Resolution 15-142 – Introduced by Mr. Sasso, seconded by Mrs. Wilczynski

Whereas, a Bergen County Community Development Grant of \$80,500 has been proposed by the Allendale Senior Housing Corporation for retro fit bathrooms in the Municipality of Allendale, and

Whereas, pursuant to the State Interlocal Services Act, Community Development Funds may not be spent in a Municipality without authorization by the Governing Body, and

Whereas, the aforesaid project is in the best interest of the people of the Allendale Senior Housing Complex, and

Whereas, this Resolution does not obligate the financial resources of the Municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

Now, Therefore, Be It Resolved that the Governing Body of the Borough of Allendale hereby confirms endorsement of the aforesaid project, and

Be It Further Resolved, that a copy of this Resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

On roll call, all Council members voted in favor.

Committee Reports

Water and Sewer

Mrs. McSwiggan reported that her Committee will be meeting next week. She stated that everyone is pleased to be through Winter and hopefully the infrastructure will continue to stay in service.

Administration, Finance and Human Resources

Mr. Bernstein did not have a report but announced that the next meeting of his Committee will be April 28th.

Public Safety

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Mrs. Homan thanked Police Chief Scherb and Detective Dillon for their cooperation in working on the newly proposed ordinances and the Police Department Accreditation. She also thanked the Fire Department for helping with both the pot hole and fire issues that occurred during the past weekend.

Facilities, Parks and Recreation

Mrs. Wilczynski said the town fields opened for play last week thanks to the Director of Operations and the company that was hired to prepare the fields after the difficult winter. She has walked all the fields herself and said they look “magnificent”. They have been cut, edged and have new clay on them and she has received many compliments on their condition from the sports groups. Mrs. Wilczynski received word today that the bathrooms in the Red Barn are open. A meeting has already been held for Crestwood Lake and many exciting events are in the process of being planned for this summer.

Public Works

Mr. Sasso said he was pleased to see the Director of Operations at this evening's meeting and he congratulated him on getting work done quickly and efficiently. Bids have been received from the Paving Co-op and hopefully it will only be a week or two until Franklin Turnpike is reopened.

His Committee will be meeting with the Municipal Engineer next week.

Mrs. White added that the Co-op bid paving price is \$76/ton and although the Borough budgeted \$78 she was hoping a lower price would be received. D&L Paving won the contract. They did the paving last year and did a great job.

The Council members wished Mr. Sasso a happy birthday, and Mayor White thanked him for attending this evening's meeting.

Municipal Attorney

Mr. Wiss said he is working with the Municipal Clerk on resolutions and OPRA requests. The Land Use Committee has put finishing touches on six ordinances that will be introduced at the next meeting. He is getting close to having a semi-final version of the background check ordinance. He and Mayor White have been working on getting Allendale's COAH motion ready for June. He has also been working with the Construction Code Officials with regard to zoning issues and permitted use applications.

Municipal Clerk

Mr. Valenzuela said that out of sixty-five local government officials, only seventeen have filed their Financial Disclosure Forms. The due date is April 30th and he will be sending out a reminder for this filing of this State required form.

Mayor White reminded the Council to also complete the JIF Elected Training Officials on-line course for a \$250 credit per Council member toward Allendale's JIF bill.

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Fire Chief

Chief Smith said the new Fire Truck was posted on their website and it has gotten a lot of attention. In Northern New Jersey the color scheme that they picked is not very common. It's more common in Pennsylvania and Maryland but Allendale is the first municipality to have a truck like it in this area. Shipping of the truck to New Jersey will hopefully take place in the next few weeks.

There were seventeen calls during the month of March including a number of cooking fires and two large spills at the Department of Public Works.

Chief Smith invited the Mayor and Council to attend a mock car crash at Northern Highlands next Friday, April 17th at 1:00 p.m. at the back parking lot. The County Executive has also been invited as well as the municipalities that send students to Northern Highlands. The car will remain on display until after the Prom.

Mrs. White asked Chief Smith to bring the new Fire Truck to the opening day of Crestwood which is May 23rd.

September 12th will be the wetdown for the new Fire Truck.

Public Comments

Mrs. White opened the meeting to the public for comments.

Mr. Mark Savastano of 22 Vreeland Place asked who he should comment about issues with the flight pattern over his house.

Mayor White said she would forward information to him about the Teterboro Noise Abatement Advisory Committee that will be meeting on Wednesday, April 22nd. That meeting will pertain only to flights in and out of Teterboro but she is sure they could provide him with additional contract information if that is necessary.

Mr. Savastano said he wrote to the Council on December 15th with regard to religious displays at the Borough Hall. He didn't receive a response but he would like to open a dialogue about sanctioning religious ceremonies and displays on Borough property.

Mr. Savastano said such displays offer the perception of government condoning specific religious beliefs. Our country doesn't have an official religion nor are we bound to worship at all. He sees the practice of having religious displays as being contrary to the principles on which our country was founded.

He added that it is appropriate to have these displays on private property to express personal beliefs but it shouldn't be the roll of government to have multiple displays of different faiths as a means of being inclusive. Examples are seen every day of the dangers of state sponsored religion and theocracies in the news.

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As far back as 1998 the educational system began removing all references of religion from their holiday performances. It is surprising that the government is heading in the opposite direction.

He hopes the Council will consider his thoughts and consider changing the practice.

Mayor White responded that extensive discussions were held on this issue in the past. There were many involved discussions that offered different points of view. The consensus was that the current practice is the right decision for this community. Mrs. White relayed the story about a World War II veteran and a 47 year Allendale resident who told her how grateful he was to have a menorah lighting ceremony in Allendale. She added that Mr. Savastano is the only resident who has expressed a concern with this issue but she recognizes his concern is a valid one. She told him that Allendale follows the law and does not discriminate in any way. Years ago the Council was asked by a large group of residents to allow a menorah because there is no other location in town for a menorah.

Mr. Savastano asked what the Council would do if another group came forward and asked to be represented. Mrs. Wilczynski said if that happens there will be additional discussions. The Council has the opportunity to go back and change their minds or reaffirm their decision.

On a motion by Mrs. McSwiggan, seconded by Mrs. Wilczynski, the Council voted unanimously to adjourn at 8:45 p.m.

Respectfully submitted,

Frank Valenzuela
Municipal Clerk