

April 17, 2013

A Special meeting of the Borough Council was held in the Municipal Building on April 17, 2013. The meeting was called to order at 8:10 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 Mayor led those present in a salute to the flag.

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

Approval of Minutes

Mrs. McSwiggan moved, seconded by Mrs. Wilczynski, to approve the minutes of March 14, March 28 and April 15, 2013. On roll call all Council members voted in favor.

Public Comment

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

Resolutions

Resolution 13-232 – Introduced by Mrs. McSwiggan, seconded by Ms. LaMonica

Whereas, on August 30, 2012 pursuant to and under the terms and conditions contained in the New Jersey Water Supply Public-Private Contracting Act (NJSA 58:26-19 et seq.)(“the Act”) the Borough of Allendale (hereinafter “Borough”) solicited requests for proposals (“RFP”) with respect to the operation and maintenance of the Borough water supply facility including billing and collections; and

Whereas, the Borough received eleven requests for copies of the RFP and ultimately on October 11, 2012 received three proposals from (1) United Water Operations, Inc. (“United Water”); (2) Ridgewood Water and (3) Newark Watershed Conservation and Development Corporation; and

Whereas, following a thorough review and analysis of the above three proposals, United Water was determined to be the lowest qualified proposal; and

Whereas, following extensive negotiations, a proposed Agreement entitled “Water Facility Contract Operations, Maintenance and Management Services Agreement” and Addendum thereto (hereafter the “Agreement”) was reached between the Borough and United Water to operate and maintain the Borough’s water system including billing and collection for a term of five (5) years; and

Whereas, pursuant to the Act, a notice of public hearing on the Agreement was duly published on March 13, 2013 and copies of the proposed Agreement as well as the statement of reasons for

the selection of United Water were made available to the public and interested parties upon request and during the public hearing; and

Whereas, the public hearing was held, as noticed, on March 28, 2013 at which time the terms and conditions of the proposed contract were explained and questions were raised by prospective consumers and other interested parties answered including explanation of the charges, rates or fees that might be charged for the supply of water as a result of the proposed contract; and

Whereas, the public comment period was held open for seven (7) days following the March 28, 2013 public hearing but no public comments were received; and

Whereas, the members of this Governing Body voting on this Resolution were present at the March 28, 2013 public hearing; and

Whereas, after considering the proposed Agreement, the comments at the public hearing, the exhibits submitted at the hearing and the discussions conducted at this meeting of April 17, 2013, the Borough wishes to proceed with approval of the proposed Agreement pursuant to the Act.

Now, Therefore, Be It Resolved by the members of the Governing Body of the Borough of Allendale as follows:

1. The above recitals are incorporated herein.
2. The attached Agreement between the Borough and United Water to operate and manage the Borough's water system and to bill and collect water fees and charges from users of the systems for a term of five (5) years pursuant to the Act is hereby authorized and approved by this Governing Body and is to be submitted to the appropriate State Agencies for further review, comment and/or approval as may be required in accordance with the Act noted above.
3. The Mayor and Municipal Clerk of the Borough are specifically authorized to execute the Agreement and any other document required to be executed in connection with the Agreement and this Resolution on behalf of the Borough in accordance with the Act.
4. The Mayor is authorized to make any application, sign any documents and take any action necessary to implement this Resolution including submission to the required State Agencies of a public hearing report and other documents required by law for their review and consideration.
5. Copies of the Agreement are to be kept on file and made available for public inspection, without charge, at the offices of the Borough Clerk, 500 West Crescent Avenue, Allendale, New Jersey 07401, Monday – Friday, 9AM – 4PM, excluding holidays. Copies of the Agreement and hearing report are also to be made available to interested parties at a cost not to exceed the actual costs of reproduction or printing.
6. This Resolution shall take effect immediately.

On roll call, all Council members voted in favor.

Resolution 13-233 – Introduced by Ms. LaMonica, seconded by Mrs. McSwiggan

Whereas, the Borough of Allendale (“the Borough”) desires to make application to the Local Finance Board for its review and/or approval of a proposed Agreement between the Borough and United Water Operations, Inc. (“United Water”) regarding a Water Facility Contract for Operation, Maintenance, Billing and Collections pursuant to the New Jersey Water Supply Public-Private Contracting Act, N.J.S.A. 58:26-19 *et seq.*

Whereas the Borough believes:

- a. It is in the public interest to accomplish such purpose;
- b. said purpose or improvements are for the health, wealth, convenience or betterment of the inhabitants of the local unit;
- c. the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- d. the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit and will not create an undue financial burden to be placed upon the local unit;

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

1. The above recitals are incorporated herein.
2. The application to the Local Finance Board is hereby approved and the Municipal Attorney, Bond Counsel, Auditor and/or Mayor, along with other representatives of the Borough are hereby authorized to prepare such application and to represent the Borough in matters pertaining thereto.
3. The Mayor and Municipal Clerk of the Borough are hereby directed to prepare and file a copy of this Resolution with the Local Finance Board as part of such application and to execute any documents required in connection with said application on behalf of the Borough.
4. The Local Finance Board is respectfully requested to consider such application and to record its findings and/or recommendations as provided by the applicable New Jersey Statute.
5. This Resolution shall take effect immediately.

On roll call, all Council members voted in favor.

Mrs. Wilczynski moved, seconded by Mrs. McSwiggan to remove Resolution 13-242 from the consent agenda.

On roll call, all Council members voted in favor.

Mrs. Wilczynski moved, seconded by Mrs. McSwiggan to amend Resolution 13-242 to add the words “at Borough Hall” after the words “ADA ramps and doors”.

On roll call, all Council members voted in favor.

Resolution 13-242 – Introduced by Mrs. Wilczynski, seconded by Ms. LaMonica

Be It Resolved by the Governing Body of the Borough of Allendale that the Municipal Clerk is hereby authorized to advertise for bids for ADA ramps and doors at Borough Hall and Bathrooms at Crestwood Park as part of a Bergen County Community Development Block Grant.

Be It Further Resolved that the advertisement will be placed in The Record in accordance with law.

Consent Agenda

Resolution 13-234 – 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 13-235 – 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 #381 as follows:

Rose Foundation of Haiti
May 18, 2013
50/50 Raffle on premises
6:30 – 11:00 p.m.
Guardian Angel Church Auditorium

The prize is 50% of the proceeds from the sale of raffle tickets.

On roll call, all Council members voted in favor.

Resolution 13-236 – 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 #382 as follows:

Rose Foundation of Haiti
May 18, 2013
Casino Night
6:30 – 11:00 p.m.
Guardian Angel Church Auditorium

Prizes will include paintings (\$200), a flat screen television (\$500), a Disney trip (\$300), HJ JMS Football (\$150), a slow cooker (\$100), and a traveling pasta buffet (\$350).

On roll call, all Council members voted in favor.

Resolution 13-237 – 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 #383 as follows:

Allendale Foundation for Educational Excellence, Inc.

May 10, 2013

50/50 Raffle on premises

6:00 – 9:00 p.m.

Northern Highlands Regional High School

The prize is 50% of the proceeds from the sale of raffle tickets.

On roll call, all Council members voted in favor.

Resolution 13-238 – 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 following individual is hereby appointed as part-time, fill-in dispatcher:

Name	Start Date	Rate of Pay
Shafeq M. Zarif	April 18, 2013	\$15.00/hour

On roll call, all Council members voted in favor.

Resolution 13-239- Introduced by Mr. Strauch, seconded by Ms. LaMonica

Whereas, the Borough of Allendale seeks to improve storm drains on Brookside Avenue in the Borough of Allendale; and

Whereas, Brookside Avenue is a County road and the County of Bergen and the Borough of Allendale desire to enter into a Shared Services Agreement to address the repair of storm drains on Brookside Avenue in the Borough of Allendale; and

Whereas, an agreement is necessary to delineate the responsibilities of the County and the Borough of Allendale; and

Now, Therefore, Be It Resolved upon the recommendation of the Director of Operations and the Municipal Engineer that the Borough of Allendale be and hereby authorized to enter into an agreement with the County of Bergen with the following conditions:

Responsibilities

- A. **County of Bergen:** The County of Bergen is solely responsible for the performance and cost of the following:
- (1) Review and approve the proposed repairs to storm drain within Brookside Avenue once provided by the Borough.
 - (2) Provide reimbursement up to \$5,400.00 to the Borough for the repairs to the storm drain on Brookside Avenue.
 - (3) Provide pipe for the repairs of the dysfunctional storm drain.
- B. **Borough:** The Borough is solely responsible for the performance and cost of the following:
- (1) Obtain all necessary project permitting.
 - (2) Approve and reproduce the final design drawings and specifications, advertise for bids, award contracts, perform construction management and inspection and make payment to the contractor, all in an approved manner and in accordance with design plans approved by the County.
 - (3) Perform all necessary survey and field work which shall be submitted to the County Engineer for review and approval prior to its use for preliminary designs, drawings and specifications.
 - (4) Proceed with bidding, contract award, and commencement of construction in a timely manner in order to prevent the expiration of any permits obtained or the project.
 - (5) Perform all field stakeouts necessary for project construction.
 - (6) Provide uniformed police officers, at the Borough's sole expense, for the maintenance and protection of traffic when the Chief of Police deems their presence necessary during construction.
 - (7) Provide project documentation to the County as necessary, or may be required by the Chief Financial Officer, Director of Operations, or Municipal Attorney in order to complete project records and process reimbursements.
 - (8) Provide the balance of project funding for all items beyond the scope of the County's reimbursements described above.

Be It Further Resolved that this resolution is contingent upon receipt of a concurring resolution from the County of Bergen.

Be It Further Resolved that upon receipt for said concurring resolution, the Mayor and Municipal Clerk are authorized to execute the necessary agreement in a form to be approved by the Municipal Attorney.

On roll call, all Council members voted in favor.

Resolution 13-240 – 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 2013 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.	1,000
Municipal Clerk, S&W	3,500
Finance, S&W	6,400
Finance, O.E.	1,000
Tax Collection, S&W	2,000
Tax Collection, O.E.	1,000
Tax Assessor, S&W	3,000
Legal Services, O.E.	7,000
Construction Code, S&W	6,000
Electrical Inspector, S&W	125
Fire Sub Code, S&W	100
Police, O.E.	10,000
Fire Official, S&W	500
Radio Equipment Maintenance	1,000
Buildings & Grounds, O.E.	2,000
Board of Health, S&W	2,700
Animal Control, O.E.	1,000
Electricity, O.E.	3,000
Street Lighting, O.E.	6,000
Telephone, O.E.	4,000
Gas Heat, O.E.	4,000
Sewer, O.E.	3,000
Municipal Court, S&W	50
Municipal Court, O.E.	200
Total Current Fund	\$68,395

Water Utility Fund	
Water, O.E.	10,000
Water Purchase	20,000
Total Water Utility Fund	\$30,000

2. That said emergency temporary appropriation will be provided in the 2013 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 13-241 – Introduced by Mr. Strauch, seconded by Ms. LaMonica

Whereas, quotations have been solicited and received with respect to certain restoration work required at the Crestwood Lake Bath House;

Whereas, the quotation of James Cheney Contracting, Inc., is the most advantageous, price and other factors considered;

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

Now, Therefore, Be It Resolved by the Governing Body that it does hereby award a contract to James Cheney Contracting, Inc., of Upper Saddle River, New Jersey for restoration work at the Crestwood Lake Bath House in the amount of Twenty-Six Thousand Dollars (\$26,000);

Be It Further Resolved that the reasons for awarding this contract include the advantageous price, the contractor’s ability to complete the work prior to Memorial Day opening (for health and safety reasons) as well as to prevent damage to revenue.

On roll call, all Council members voted in favor.

Committee Reports

Water and Sewer

Mrs. McSwiggan said the Water Committee met today. They are going over the transition plan for United Water to assume the operations of Allendale’s Water Department.

There was also a discussion about proposed water restrictions. The DEP has encouraged all municipalities to have water restrictions in place. They want to increase everyone’s awareness of water conservation. Most likely Allendale will continue with the Phase I restrictions that were in place last year. Phase I restrictions consist of an odd and even watering schedule with Monday as a rest day to let the wells recharge.

Mayor Barra said an ordinance was recently adopted which will increase the commercial water rates by 3% but leave the residential rates as they currently are. By next year the commercial and residential rate schedules will be identical. The ordinance will need to be amended with regard to delinquency charges for those who don't pay their water bills.

Public Safety

In Mr. Bernstein's absence, Mr. Barra said the Borough is in the process of promoting two patrolmen to Sergeants. The testing process will continue into next week and the final selections will be made over the next few weeks.

Land Use and Construction Code

Mr. Strauch said the Land Use and Construction Code Committee will be meeting Friday, April 19th at 8:30 a.m. at the Borough Hall.

Public Works

Mrs. White was absent.

Personnel, Finance and Human Resources

Ms. LaMonica reported that her Committee will be meeting tomorrow morning at 8:00 a.m. There will be a public hearing on the Budget next week and Mr. Ferraioli will be making a presentation to the Council.

Facilities, Parks and Recreation

Mrs. Wilczynski said the Allendale Beautification Project is moving forward. This project was spearheaded by Ed Kalpagian of State Farm Insurance in Allendale. He has successfully sold twelve benches to merchants and five pots have been donated to the town by Borst Landscaping. These items should be installed during the next two months and Mr. Kalpagian would like to have a ribbon cutting ceremony at that time. The Council is invited to share their thoughts on when such a ceremony should be held.

Mrs. Wilczynski said the new playground equipment has been ordered and the refurbished playground should be ready by Memorial Day. New mulch will be installed as well.

Municipal Attorney

Mr. Bole did not have a report.

Municipal Clerk

Mrs. McCarthy has been in touch with the County regarding getting the Crescent Commons property zoned to be part of an election district. They will be included District Three and the residents will vote at Borough Hall.

On a motion by Mr. Strauch, seconded by Mrs. Wilczynski, the Council voted unanimously to adjourn at 8:30 p.m.

Respectfully submitted,

Gwen McCarthy
Municipal Clerk