

April 12, 2012

A regular meeting of the Borough Council was held in the Municipal Building on April 26, 2012. 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: Mr. Bernstein, Ms. LaMonica, Mrs. McSwiggan, Mr. Strauch, Mrs. White, Mrs. Wilczynski and Mayor Barra. Also present were Mrs. McCarthy and Mr. Bole.

Minutes

Mrs. Wilczynski moved, seconded by Mrs. McSwiggan to approve the Work, Regular and Executive Session minutes from March 8th, and the Work and Regular Session minutes from April 12th. On roll call Mrs. McSwiggan, Mr. Bernstein, Mr. Strauch and Mrs. Wilczynski voted in favor. Ms. LaMonica voted in favor of the minutes from March 8th and abstained from voting on the minutes of April 12th. Mrs. White abstained from voting on the minutes of both meetings.

Adoption of Ordinances

Ordinance 12-08 – Exceed the Municipal Budget Appropriation Limits and Establish a CAP Bank

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

Resolution 12-132 – Introduced by Ms. LaMonica, seconded by Mrs. McSwiggan

Be It Resolved that an Ordinance entitled 12-08, “An 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 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 copy of Ordinance 12-08 attached and made a part hereof.)

Public Comment

Mr. Barra opened the meeting to the public for comments on agenda items.

Two Girl Scouts who are working on their Silver Awards were present to discuss the proposed “Shredding Day” at Borough Hall. They said the activity will be held in the

parking lot of Borough Hall on September 15, 2012 from 10:00 a.m. to 2:00 p.m. There will be a suggested donation of \$10 and all donations will be donated to the Valley Hospital Pediatric Unit for items such as board games, toys and video games. The reason for holding a shredding day is to protect identity theft when people discard paper records.

Mayor Barra said the Council commends the Scouts on this idea and they wholeheartedly support it.

Mrs. White moved, seconded by Mrs. Wilczynski, to remove Resolution 12-140, Approval of Shredding Day, from the Consent Agenda. On roll call, all Council members voted in favor.

Resolution 12-140 – Introduced by Mrs. McSwiggan, seconded by Mrs. White

Whereas, the Borough of Allendale has been requested to allow the Borough Hall to be utilized for “Shredding Day” to take place on September 15, 2012 from 10:00 a.m. to 2:00 p.m. at the Borough Hall,

Now, Therefore, Be It Resolved by the Governing Body that it does hereby authorize and approve a Shredding Day, provided that the sponsoring organization, The Girl Scouts of America, provide a Hold-Harmless Agreement and appropriate insurance certificate in connection with said activities.

On roll call, all Council members voted in favor.

Consent Agenda

Resolution 12-133 – Introduced by Mrs. White, 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 26, 2012.

On roll call, all Council members voted in favor.

Resolution 12-134 – Introduced by Mrs. White, seconded by Mrs. Wilczynski

Whereas, there is a request by the Allendale Chamber of Commerce to hold the Allendale Holiday Walk on Friday, December 7, 2012 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., and

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 12-135 – Introduced by Mrs. White, seconded by Mrs. Wilczynski

Whereas, there is a request by the Allendale Chamber of Commerce to hold the Allendale Festival Day and Car Show on Saturday, October 6, 2012 from 7:30 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, and

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 12-136 – Introduced by Mrs. White, seconded by Mrs. Wilczynski

Whereas, the Allendale Chamber of Commerce seeks to utilize the parking lot at Crestwood Lake in connection with the Allendale Festival Day and Car Show on Saturday, October 6, 2012;

Now, Therefore, Be It Resolved by the Governing Body that it does hereby approve use of the Crestwood Lake parking lot during the Allendale Festival Day provided that the Chamber provide a Hold Harmless Agreement and suitable insurance certificate to the Municipal Clerk.

On roll call, all Council members voted in favor.

Resolution 12-137 – Introduced by Mrs. White, seconded by Mrs. Wilczynski

Be It Resolved that Layne Simon is hereby appointed as a back-up licensed operator of the Water and Sewer Department in the absence of Jeff Picinich, the licensed operator.

On roll call, all Council members voted in favor.

Resolution 12-138 – Introduced by Mrs. White, 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 checks on the properties listed below and charge same to Overpayment of 2011 Taxes:

2011

Block/ Lot	Name		Amount
Property Location			
508/2	Chong-Munoz, Alexander & Junk 98 Knollton Road Allendale, NJ 07401	98 Knollton Rd	\$353.02
1401/8	Monagle, William & Deborah 244 Schuyler Road Allendale, NJ 07401	244 Schuyler Rd	\$741.08
1702/19	Adair, Robert Jr. 123 Park Avenue Allendale, NJ 07401	123 Park Ave	\$2,937.91
1710/1.01 C0222	Hogle, Jason & Elizabeth 222 Orchard Park Allendale, NJ 07401	222 Orchard Park	\$1,435.93

On roll call, all Council members voted in favor.

Resolution 12-139 – Introduced by Mrs. White, seconded by Mrs. Wilczynski

Whereas, the Borough of Allendale in Bergen County herein expresses its support of Senate Bill No. 380 and Assembly Bill No. 960 which enacts the “Jessica Lunsford Act”; and

Whereas, this act was names for Jessica Lunsford, the Florida child who was sexually assaulted and murdered by the a sex offender; and

Whereas, this act imposes a mandatory term or imprisonment for certain sex offenses and for those persons who harbor or conceal sex offenders; and

Whereas, under this act if aggravated sexual assault is committed on a victim under the age of 18 the actor would be punishable by a mandatory term of imprisonment of 25 years to life; and

Whereas, this act creates the new crime of first degree sexual assault when the victim is less than 18 years of age and an offense is committed under specific circumstances the person convicted of said crime would be sentenced to a term between 25 years to life of which the convicted must serve 25 years before being eligible for parole; and

Whereas, this act provides for mandatory term of imprisonment of three years without eligibility for parole if an actor harbored or concealed a person who is subject to the registration requirements of Megan’s Law and who the actor has reason to believe is not complying or has not complied with the Megan’s Law registration process.

Now, Therefore, Be It Resolved that, the Borough of Allendale hereby supports Senate Bill No. 2027 and Assembly Bill No. 380;

Be It Further Resolved that the Municipal Clerk is hereby directed to distribute copies of the Resolution to the Governor, our State Senator and Assemblyman and the Municipalities in County of Bergen.

On roll call, all Council members voted in favor.

Resolution 12-141 – Introduced by Mrs. White, seconded by Mrs. Wilczynski

Now, Therefore, Be It Resolved that the Mayor and Council of the Borough of Allendale does hereby grant permission to the Allendale Recreation Commission to conduct a 5K Run on Sunday, May 20, 2012 at 9:00 a.m. at the Red Barn at Crestwood Lake.

On roll call, all Council members voted in favor.

Resolution 12-142 – Introduced by Mr. White, seconded by Mrs. Wilczynski

Whereas, the Commission on Accreditation of Law Enforcement Agencies “CALEA”) and the State of New Jersey Associations of Chiefs of Police offer programs to obtain accreditation of police department management; and

Whereas, the Bergen Joint Insurance Fund encourages police departments to pursue such excellence by providing a grant in the amount not to exceed \$25,000 to support the Police Department’s efforts to attain accreditation or re-accreditation.

Whereas, the Chief of Police and the Governing Body believe that the attaining of such certification is consistent with the goals of the Police Department; and

Whereas, the Chief of Police is committed to taking necessary action in order to support the accreditation process.

Whereas, the successful completion of the accreditation process will result in a reduction in liability insurance premiums from the Bergen JIF, and

Whereas, in the long term the completion and retention of accreditation from the New Jersey State Associations of Chiefs of Police will help the municipality manage its liability and workers compensation insurance exposure.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale in the County of Bergen, and the State of New Jersey, as follows:

1. The Mayor, Administrative Officer and Chief of Police are hereby authorized to enter into a Grant Agreement with the Bergen Joint Insurance Fund for the receipt of funding in the amount of \$25,000 for the accreditation program.
2. The Municipality agrees to abide by the terms of the Grant Agreement to attain certification within two years of the date of the agreement. Upon accreditation being obtained, the Bergen JIF will use their normal accreditation discount to offset the grant costs.
3. If the Municipality does not achieve accreditation within the two year period, the amount of the Grant is due payable to the Bergen JIF within a three year period.
4. If the Municipality leaves the Bergen JIF before the grant is repaid in full, the amount of the grant is due immediately to the Bergen JIF upon the date of termination to the JIF.
5. This Resolution shall take effect immediately.

On roll call, all Council members voted in favor.

Resolution 12-143 – Introduced by Mr. White, seconded by Mrs. Wilczynski

Now, Therefore, Be It Resolved by the Governing Body that the Municipal Clerk is hereby authorized to advertise for bids for a 2012/13 Four Wheel Drive Pickup Truck in The Record in accordance with law.

On roll call, all Council members voted in favor.

Resolution 12-144 – Introduced by Mr. Strauch, seconded by Mrs. Wilczynski

Whereas, the Borough of Allendale (“the Borough”) participates in a deferred compensation program (“the Plan”) administered by Nationwide Retirement Solutions, Inc. (“Nationwide”); and

Whereas, in order for participants in the Plan to obtain loans or investment advice for their accounts, Nationwide requires the Borough to sign certain documents/ agreements in order to implement these programs;

Now, Therefore, Be It Resolved by the Governing Body that the Chief Financial Officer, Alissa Mayer, is hereby designated and authorized to sign the Nationwide Administrative Loan Document, Pro Account-Plan Sponsor Agreement and any other plan documents necessary and appropriate in order to implement said programs;

Be It Further Resolved that all documents/agreements heretofore signed by the Chief Financial Officer are ratified and confirmed.

On roll call, all Council members voted in favor.

Resolution 12-145 – Introduced by Mrs. White, seconded by Mrs. Wilczynski

Whereas, bids were received on April 19, 2012 for the project known as 2012 Allendale Road Resurfacing Program; and

Whereas, ten (10) bids were received; and

Whereas, bid documents have been reviewed and it has been determined that Crossroads Pavement Maintenance, LLC is the lowest responsible, responsive bidder; and

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

Now, Therefore, Be It Resolved by the Governing Body that it does hereby award a contract for the aforesaid resurfacing program to Crossroads Pavement Maintenance, LLC. of Nutley, New Jersey in the base bid amount of \$330,114.50; alternate A: \$4,800.00 and alternate B: \$17,934.00 for a total of \$352,848.50;

Be It Further Resolved that the Mayor and Municipal Clerk are authorized to sign a contract with the successful bidder following legal review;

Be It Further Resolved that pending execution of the contract with Crossroads Pavement Maintenance, LLC that the bid documents of the next two low bidders, AJM Contractors Inc. and D&L Paving Contractors Inc. be held on file.

On roll call, all Council members voted in favor.

Resolution 12-146 - Introduced by Mrs. White, seconded by Mrs. Wilczynski

Whereas, the Engineer has requested that certain changes are needed in the contract for 2011 Allendale Road Resurfacing Program,

Whereas, a net decrease of \$17,778.79 will result from the following items:

- Reconcile completed contract quantities;
- Authorize additional work for various hot mix asphalt driveway and roadway repairs; and
- Authorize additional work to install traffic stripes at the intersection of Cedar Drive and East Elbrook Drive.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that Change Order Number Two resulting in a decrease of approximately \$17,778.79 be approved for 2011 Allendale Road Resurfacing Program. The original contract amount of \$447,862.00 has been reduced by \$60,234.14 to \$387,627.86.

On roll call, all Council members voted in favor.

Resolution 12-147 – Introduced by Mrs. White, seconded by Mrs. Wilczynski

Whereas, the following licensee has made application for the renewal of their Alcoholic Beverage License; and

Whereas, all requirements in connection therewith have been met,

Now, Therefore, Be It Resolved by the Mayor and Council that the following license is hereby renewed for the period July 1, 2012 to June 30, 2013.

PLENARY RETAIL CONSUMPTION LICENSE

Allendale Bar and Grill
67 West Allendale Avenue

0201-33-001-003

On roll call, all Council members voted in favor.

Committee Reports

Water Committee

Mrs. McSwiggan commented that sewer expenses are very high in Allendale and they are still working on how to identify the illegal use of sump pumps in town.

The Water Committee is also going to try to get the public to be more conscious of their water use.

Public Safety

Mr. Bernstein did not have a report.

Land Use and Construction Code

Mr. Strauch said the Planning Board had a meeting on possible D Zone provisions last Thursday night. Although the newspapers advertised the public hearing and notices were sent to homeowners, only a few residents attended. In the future there will be a more aggressive attempt to get the word out to affected homeowners.

Mr. Strauch said the Planning Board made a few suggested changes to the proposed updates to the D Zone. They removed catering as a permitted use and suggested that the Borough wait for final approval of this ordinance until after the traffic signal is installed at Myrtle Avenue and West Crescent Avenue. The Planning Board recommended that a new traffic study be done after the installation of that traffic signal. Mr. Strauch commented that the D Zone has waited for fifty years for an upgrade and he agreed it could wait a few more months until after a traffic study is done.

Mr. Strauch added that the Planner will make sure there are no uses being permitted in the D Zone that will overlap with uses permitted in the C Zone. The Land Use Committee is looking for uses that are complimentary with the C Zone but not competitive with it.

After a D Zone ordinance is introduced at the Mayor and Council level it will go to the Planning Board for a formal recommendation. After that recommendation the ordinance will go back to the Council for adoption.

The next Land Use meeting is Friday, May 11th at 8:15 a.m. at the Borough Hall.

Public Works

The County cleaned out the culvert by the Celery Farm over the past couple of weeks. The Wardens at the Celery Farm were please to see that there was no flooding at the culvert after the most recent rainfall.

The paving contract for 2012 was awarded this evening and hopefully the paving will be done in the near future.

Administration, Finance and Human Relations

Ms. LaMonica said the Committee met on Wednesday and discussed a number of issues.

The Committee is getting ready for the public hearing on the Budget which is scheduled for May 10th.

She stated the Committee discussed allowing an employee who already has health insurance to be able to waive Borough provided insurance. In return that employee would receive 25% of the cost to the Borough to provide insurance, up to a maximum of \$5,000. The employee would have to provide proof of their additional insurance coverage to the Borough.

Facilities, Parks and Recreation

Mrs. Wilczynski said the Crestwood edition of the Borough newsletter will be coming out at the end of this week or the beginning of next week.

The next meeting of her committee will be Monday, April 30th.

Municipal Attorney

Mr. Bole said his report would be given in Executive Session.

Municipal Clerk

Mrs. McCarthy announced that the Clerk's office is receiving a lot of calls about the opening of Crestwood. The staff is getting ready for signups beginning on May 10th.

Mrs. Wilczynski said the Lake is halfway filled now.

Mr. Barra opened the meeting to the public for general comments.

There were no comments from the public.

On a motion from Ms. LaMonica, seconded by Mr. Strauch, the Council voted unanimously to adjourn to Regular Session at 8:28 p.m.

Respectfully submitted,

Gwen McCarthy
Municipal Clerk