

June 9, 2011

A regular meeting of the Borough Council was held in the Municipal Building on June 9, 2011. The meeting was called to order at 8:05 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, Mr. Schoepflin, Mr. Strauch, Mrs. Wilczynski and Mayor Barra. Ms. LaMonica and Mrs. White were absent. Also present were Mrs. McCarthy and Mr. Bole.

Minutes

Mr. Strauch moved, seconded by Mrs. Wilczynski, to approve the Work Session minutes of May 12th. On roll call Mr. Bernstein, Mr. Strauch, Mr. Schoepflin and Mrs. Wilczynski voted in favor.

Public Comment

Mr. Barra opened the meeting to the public for comments on agenda items. There were none.

Consent Agenda

Resolution 11-195 – Introduced by Mr. Schoepflin, 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 June 9, 2011.

On roll call, all Council members voted in favor.

Resolution 11-196 – Introduced by Mr. Schoepflin, 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 the following salaries are hereby approved for the Crestwood Lake Swim Club 2011 Season as follows:

Substitute Lifeguards

Natalie Petrus	\$	8.50
William Bonifacic	\$	8.50

Substitute Gate People

Kyle Wilczynski \$ 8.00
Erin LaRossa \$ 8.00

Security

Zachary Basicio \$ 8.00

On roll call, all Council members voted in favor.

Resolution 11-197 – Introduced by Mr. Schoepflin, seconded by Mrs. Wilczynski.

Be It Resolved that Crestwood Park will close at 5:00 p.m. on July 4, 2011.

Be It Further Resolved that the Holiday Observers are hereby authorized to conduct a fireworks display and celebration at Crestwood Lake commencing at dusk on Monday, July 4, 2011 with a rain date for Sunday, July 10, 2011;

Be It Further Resolved that the fireworks display is subject to appropriate review and approval of insurance and the receipt of a permit from the Allendale Bureau of Fire Prevention.

On roll call, all Council members voted in favor.

Resolution 11-198 – Introduced by Mr. Schoepflin, seconded by Mrs. Wilczynski.

Whereas, the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, wish to purchase a new communication system and upgrades to the Borough’s phone system,

Whereas, this purchase shall be made under the State of New Jersey’s contract bid number A42291,

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

Now, Therefore, Be It Resolved that the Governing Body does hereby award a contract to Extel Communiucations, Inc. in the amount of \$23,685.75,

Be It Further Resolved that the Mayor and Municipal Clerk are authorized to sign the necessary Purchase Order or Contract for this purchase.

On roll call, all Council members voted in favor.

Resolution 11-199 – Introduced by Mr. Schoepflin, seconded by Mrs. Wilczynski.

Whereas, the utility payers listed below have been found to have their utility bill reduced by the amount shown, and

Whereas, these adjustments are due to an estimated bill, incorrectly reported water usage or incorrect readings,

Now, Therefore, Be It Resolved by the Council of the Borough of Allendale, that these adjustments be granted, with no money refunded, to the following utility bill payers:

Name	Account Number	Amount
Beck	766	\$ 53.85
Marino	3337	\$ 10.85
Han	3491	\$308.71

On roll call, all Council members voted in favor.

Resolution 11-200 – Introduced by Mr. Schoepflin, seconded by Mrs. Wilczynski.

Whereas, the Governing Body of each Bergen County Community that participates in the Community Development Cooperative must appoint a representative to the Community Development Board, and

Whereas, this is a one year appointment for July 1, 2011 through June 30, 2012,

Now, Therefore, Be It Resolved that the Governing Body hereby appoints Liz White as its representative to the Community Development Committee.

On roll call, all Council members voted in favor.

Resolution 11-201 – Introduced by Mr. Schoepflin, seconded by Mrs. Wilczynski

Whereas, the Borough of Allendale is responsible to measure the flow of water consumption of customers through water meters in the Borough;

Whereas, there is a need for Neptune T-10 Water Meters, Registers and Parts to provide service to effectively maintain the water meter services in the Borough of Allendale,

Whereas, pursuant to NJSA 40A:11-13(d) and NJAC 5:34-9.1, the Borough may purchase proprietary goods, upon certification of the Purchasing Agent to the Chief Executive Officer,

Whereas, this Certification for the purchase of proprietary goods is attached to this Resolution,

Whereas, funds are available, and the Town wishes to advertise for sealed bids for the purchase of Neptune T-10 Water Meters, Registers and Parts,

Now, Therefore, Be It Resolved, that the Borough of Allendale hereby authorizes the Municipal Clerk to advertise for bids for the purchase of said Neptune T-10 Water Meters, Registers and Parts.

On roll call, all Council members voted in favor.

Resolution 11-202 – Introduced by Mr. Schoepflin, seconded by Mrs. Wilczynski.

Be It Resolved by the Governing Body that James Moritz is hereby permanently assigned from the Department of Public Works to the Water Department on July 1, 2011.

On roll call, all Council members voted in favor.

Resolution 11-203 – Introduced by Mr. Schoepflin, seconded by Mrs. Wilczynski.

Whereas, Leon Kirylak is the owner of real estate known as Block 1405, Lot 13 and better known as 411 Brookside Avenue, Allendale, New Jersey; and

Whereas, the owners have filed a tax appeal challenging the 2010 tax assessment; and

Whereas, Lot 13 in Block 1405 was assessed for the tax year 2010 in the total amount of \$637,100; 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 whereas there would be a revised 2010 assessment of \$610,000 and a 2011 assessment would remain the same pursuant to the Freze Act; 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 and the Borough's Real Estate Appraiser, Charles Ciolino, are in agreement with the terms of the settlement and believe 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 Leon Kirylak tax appeal pending

in the Tax Court of New Jersey for the tax year 2010 under docket number 017863-2010 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, within sixty (60) days from the date of the Tax Court Judgment; and

Be It Further Resolved that this settlement is subject to agreement and acceptance thereof by the taxpayer; and

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 Municipal Attorney.

On roll call, all Council members voted in favor.

Resolution 11-204 – Introduced by Mr. Schoepflin, seconded by Mrs. Wilczynski.

Whereas, George W. Crowley and Frances M. Crowley are owners of real estate known as Block 511, Lot 19 and better known as 22 Wilton Drive, Allendale, New Jersey; and

Whereas, the owners have filed a tax appeal challenging the 2010 tax assessment; and

Whereas, Lot 19 in Block 511 was assessed for the tax year 2010 in the total amount of \$611,600; 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 whereas there would be a revised 2010 assessment of \$585,000 and a 2011 assessment would remain the same pursuant to the Freze Act; 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 and the Borough's Real Estate Appraiser, Charles Ciolino, are in agreement with the terms of the settlement and believe 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 George W. Crowley and Frances

M. Crowley tax appeal pending in the Tax Court of New Jersey for the tax year 2010 under docket number 017709-2010 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, within sixty (60) days from the date of the Tax Court Judgment; and

Be It Further Resolved that this settlement is subject to agreement and acceptance thereof by the taxpayer; and

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 Municipal Attorney.

On roll call, all Council members voted in favor.

Resolution 11-205 – Introduced by Mr. Schoepflin, seconded by Mrs. Wilczynski

Whereas, Robert W. Taylor and Greta M. Taylor are owners of real estate known as Block 1303, Lot 2 and better known as 504 Paul Avenue, Allendale, New Jersey; and

Whereas, the owners have filed a tax appeal challenging the 2010 tax assessment; and

Whereas, Lot 2 in Block 1302 was assessed for the tax year 2010 in the total amount of \$1,017,700; 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 whereas there would be a revised 2010 assessment of \$950,000 and a 2011 assessment would remain the same pursuant to the Freze Act; 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 and the Borough's Real Estate Appraiser, Charles Ciolino, are in agreement with the terms of the settlement and believe 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 Robert W. Taylor and Greta M.

Taylor tax appeal pending in the Tax Court of New Jersey for the tax year 2010 under docket number 016365-2010 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, within sixty (60) days from the date of the Tax Court Judgment; and

Be It Further Resolved that this settlement is subject to agreement and acceptance thereof by the taxpayer; and

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 Municipal Attorney.

On roll call, all Council members voted in favor.

Resolution 11-206 – Introduced by Mr. Schoepflin, seconded by Mrs. Wilczynski.

Whereas, Resolution 11-165 stated that the salary for Lifeguard Parisa Fardanesh was \$9.50 an hour, and

Whereas, her salary should have read \$10.00 an hour;

Now, Therefore, Be It Resolved that the salary for Lifeguard Parisa Fardanesh be corrected to \$10.00 an hour.

On roll call, all Council members voted in favor.

Resolution 11-207 – Introduced by Mr. Schoepflin, seconded by Mrs. Wilczynski.

Whereas, a deed of easement for drainage purposes has been executed on March 31, 2011 between John J. Zola and Vita M. Zola, husband and wife (the “Grantors”) and the Borough of Allendale (the “Grantee”) regarding property at 108 Myrtle Avenue, Allendale, New Jersey (the “deed”);

Whereas, the deed was recorded with the Office of the Bergen County Clerk on May 13, 2011 in deed book 00741 at page 1082-1089;

Whereas, the grantors by virtue of said deed granted to the grantee a permanent drainage easement in connection with the aforesaid property as set forth in said deed;

Now, Therefore, Be It Resolved by the Governing Body of the Borough of Allendale in the County of Bergen that it does hereby accept the deed of easement for drainage purposes and;

Be It Further Resolved that the Municipal Clerk is hereby authorized to maintain said deed as part of the real estate registry of the Borough.

On roll call, all Council members voted in favor.

Resolution 11-208 – Introduced by Mr. Schoepflin, 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 Raffle License #364 as follows:

Guardian Angel Church
July 20 through 23, 2011
Non-draw raffles
6:00 p.m. to 10:00 p.m.
Raffle Location: Guardian Angel Church

Games to include: Football Toss, Pop Gun, Ring Toss, Hoop Shot and Shuffleboard
Prizes: \$1 to \$35 in cash, novelties, plush toys or candy

On roll call, all Council members voted in favor.

Resolution 11-209 – Introduced by Mr. Schoepflin, 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 Raffle License #365 as follows:

Guardian Angel Church
July 23, 2011
On premises 50/50 Raffle
6:00 p.m.
Raffle Location: Guardian Angel Church

Prize: 50% of cash proceeds

On roll call, all Council members voted in favor.

Committee Reports

Public Safety

Mr. Bernstein did not have a report.

Public Works

Mrs. White was absent.

Land Use and Construction Code

Mr. Strauch said the next meeting of the Land Use and Construction Code Committee will be Friday, July 15th.

Water, Sewer and Public Utilities

Mr. Schoepflin noted that the Water, Sewer and Public Utilities Committee will meet on June 15th.

Administration, Finance and Human Resources

Ms. LaMonica was absent.

Facilities, Parks and Recreation

Mrs. Wilczynski stated that the first section of the Mobi Mat was installed. The second section will be installed in the area extending from the parking lot to the West Maple Field.

She thanked the Holiday Observers who got paint donated, repaired the grand stand and then painted it.

Municipal Attorney

Mr. Bole did not have a report.

Administrative Officer/Municipal Clerk

Mrs. McCarthy commented that Tuesday, June 7th was the Primary Election. She stated it was the lowest voter turnout since she has worked in Allendale. Only three percent of the registered voters in Allendale actually voted. The Republican candidates who will now be on the General Election ballot are Mrs. McSwiggan and incumbent Mrs. Wilczynski. There are no Democratic candidates and no independent candidates filed with the County Clerk on Primary Day.

Respectfully submitted,

Gwen McCarthy
Municipal Clerk