

June 14, 2012

A regular meeting of the Borough Council was held in the Municipal Building on June 14, 2012. 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: Mrs. McSwiggan, Mr. Strauch, Mrs. White, Mrs. Wilczynski and Mayor Barra. Mr. Bernstein and Ms. LaMonica were absent. Also present were Mrs. McCarthy and Mr. Bole.

Approval of Minutes

Mrs. White moved, seconded by Mrs. Wilczynski, to approve the Work, Regular and Executive Session minutes of May 24, 2012. On roll call, all Council members voted in favor.

Public Hearings on Advertised Ordinances

Ordinance 12-09 – Additions to Non-Conforming Structures

Mayor Barra said this ordinance has been referred to the Planning Board for review and recommendation. The Board doesn't meet until next week so the ordinance will not be voted on for adoption this evening.

Mr. Barra opened the matter to the public for comments. He added that he will open the matter to the public again on June 28th.

Mr. Strauch moved, seconded by Mrs. Wilczynski to carry the vote for adoption on Ordinance 12-09 to June 28, 2012. On roll call, all Council members voted in favor.

(See copy of Ordinance 12-09 attached and made a part hereof.)

Ordinance 12-10 – Visual Obstructions

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

Resolution 12-177 – Introduced by Mrs. McSwiggan, seconded by Mrs. White

Be It Resolved that an Ordinance entitled 12-10, “An Ordinance to Amend Chapter 256 of the Code of the Borough of Allendale entitled ‘Visual Obstructions’ “ 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 12-10 attached and made a part hereof.)

Public Comments

Mayor Barra opened the meeting to the public with regard to items on the agenda. There were no comments.

Introduction of Ordinances

Ordinance 12-11 – Introduced by Mrs. Wilczynski, seconded by Mrs. White

Be It Resolved that an Ordinance entitled 12-11, “Salary Ordinance” 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 28th day of June, 2012, 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 12-11 attached and made a part hereof.)

Consent Agenda

Resolution 12-179 – 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 June 14, 2012.

On roll call, all Council members voted in favor.

Resolution 12-180 – Introduced by Mrs. White, seconded by Mrs. Wilczynski

Whereas, due to the County Board of Taxation unable to certify a tax rate due to various issues at the state level and the Municipal Tax Collector will be unable to mail the tax bills on a timely basis, it has become necessary to issue estimated tax bills for the 3rd Quarter of 2012 and;

Whereas, the Municipal Tax Collector in consultation with the Municipal Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they

have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated levies;

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

1. The Borough of Allendale Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2012 taxes. The Tax Collector shall proceed and take such actions as necessary.
2. The entire estimated levy for 2012 is hereby set at \$ 35,621,624.00 for an estimated tax rate of \$ 2.315.
3. In accordance with law the third installment of 2012 shall not be subject to interest until the later of August 10, 2012. Any payment received after August 10, 2012 shall have interest calculated from August 1, 2012.

On roll call, all Council members voted in favor.

Resolution 12-181 – Introduced by Mrs. White, seconded by Mrs. Wilczynski

Whereas, the Engineer has requested that certain changes are needed in the 2012 Road Resurfacing contract, and

Whereas, a net decrease of \$49,047.72 will result from the following items:

- Removing paving work associated with George Street and Wehner Place to be performed under a separate contract which will more effectively address drainage issues.
- Reconciling finished contract quantities, and
- Authorizing additional work for inlet repairs on various streets.

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 One resulting in a decrease of approximately \$49,047.72 be approved for the 2012 Allendale Road Resurfacing Program. The original amount of \$352,848.50 has been reduced by \$49,047.72 or 13.90%, resulting in a new contract amount of \$303,800.78.

On roll call, all Council members voted in favor.

Resolution 12-182 – 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 the following individuals be appointed as Seasonal Employees:

Name	Department	Appointment Date	Salary
Adrian McDermott	Public Works	June 25, 2012	\$9.50/hour
Daniel Galvin	Public Works	June 25, 2012	\$9/hour

On roll call, all Council members voted in favor.

Resolution 12-183 – Introduced by Mrs. White, seconded by Mrs. Wilczynski

Whereas, bids were received on Maya 22, 2012 for the purchase of a 2012/2013 Four Wheel Drive Crew Cab Pickup Truck With Snowplow, and

Whereas, one bid was received; and

Whereas, the bid of Beyer Brothers Corp. has been reviewed and has been determined to be the lowest responsible, responsible bidder; and

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

Now, Therefore, Be It Resolved, by the Governing Body that a contract for the aforesaid vehicle is hereby awarded to Beyer Brothers Corp. of 109 Broad Avenue, Fairview, New Jersey, in the total bid price of \$36,054.50 consisting of the following: Bid Price With Trade In (\$33,058.50) and option of Warning Light Bar (\$2,996);

Be It Further Resolved that the Mayor and Municipal Clerk are authorized to sign a contract with Beyer Brothers to implement the foregoing contract award following legal review.

On roll call, all Council members voted in favor.

Resolution 12-184 – Introduced by Mrs. White, seconded by Mrs. Wilczynski

Whereas, Federal and State law mandate that public sidewalks at intersections provide, at a minimum, depressed curb cuts, detectable warning surfaces and a landing area at crosswalk locations, as designated by the County Engineer or his designee; and

Whereas, public sidewalks are a Municipal responsibility in as much as the County’s road responsibility is limited to improve road areas from curb-face to curb-face as set forth in NJSA 27:16-8; and

Whereas, the Uniform Shared Services and Consolidation Act (NJSA 40A:65-1 et seq) promoted the broad use of shared services to reduce local expenses funded by property taxpayers; and

Whereas, the County of Bergen will, upon proper verification and preconstruction authorization by the County Engineer, reimburse participating Municipalities for construction costs at the prices set forth in the Cooperative bid (or the Municipalities lower pricing provided that the Municipality uses the County's bid specification for purposes of comparison); and

Now, Therefore, Be It Resolved by the Governing Body of the Borough of Allendale that it does hereby authorize participation in the ADA Cooperative Curb-Ramp Construction Program with the County of Bergen;

Be It Further Resolved that the Borough is authorized to enter into an ADA Cooperative Curb-Ramp Construction Grant Program Agreement in a form approved by the Municipal Attorney;

Be It Further Resolved that the Mayor and Municipal Clerk are hereby authorized to execute such grant agreement following legal review.

On roll call, all Council members voted in favor.

Resolution 12-185 – Introduced by Mrs. White, seconded by Mrs. Wilczynski

Whereas, Federal and State law mandate that public sidewalks at intersections provide, at a minimum, depressed curb cuts, detectable warning surfaces and a landing area at crosswalk locations, as designated by the County Engineer or his designee; and

Whereas, public sidewalks are a Municipal responsibility in as much as the County's road responsibility is limited to improve road areas from curb-face to curb-face as set forth in NJSA 27:16-8; and

Whereas, the Uniform Shared Services and Consolidation Act (NJSA 40A:65-1 et seq) promoted the broad use of shared services to reduce local expenses funded by property taxpayers; and

Whereas, the County, through a county-wide cooperative ADA Engineering Design Grant Program, will make county funds available to a Municipality on a reimbursement basis for engineering design work as directed by the County Engineer to bring curb-ramps along County roads into compliance with ADA requirements; and

Whereas, each Municipality will enter into a contract with either its Municipal engineer or another qualified engineer of its choice to provide ADA engineering design services;

Now, Therefore, Be It Resolved by the Governing Body of the Borough of Allendale that it does hereby agree to participate in the ADA Cooperative Engineering Design Grant Program with the County of Bergen for assistance in preparing engineering designs and related requirements for ADA curb-ramps on County roads; and

Be It Further Resolved that the Borough is authorized to enter into an ADA Cooperative Engineering Design Grant Agreement in a form approved by the Municipal Attorney;

Be It Further Resolved that the Mayor and Municipal Clerk are hereby authorized to execute such grant agreement following legal review.

On roll call, all Council members voted in favor.

Resolution 12-186 – Introduced by Mrs. White, seconded by Mrs. Wilczynski

Whereas, the following licensees have made application for the renewal of their Alcoholic Beverage Licenses; and

Whereas, all requirements in connection therewith have been met,

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

Plenary Retail Distribution Licenses

The Great Atlantic & Pacific Tea Company, 0201-44-005-003
Inc., and Subsidiaries
45 West Allendale Avenue

Rite Aid 0201-44-004-003
44 West Allendale Avenue

Plenary Retail Consumption Licenses

Friends and Family 0201-33-007-009
9 Franklin Turnpike

Whereas, the Great Atlantic and Pacific Tea Company, Inc. has applied to the Allendale Council for a renewal of the Plenary Retail Distribution License applicable to the sale of alcoholic beverages to the premises located at 45 West Allendale Avenue, New Jersey, and

Whereas, the applicant has complied with all requirements applicable to the renewal of such license.

Now, Therefore, Be It Resolved that the application for the renewal of the Alcoholic Beverage Plenary Retail Distribution License for the Great Atlantic and Pacific Tea Company, Inc. at the location aforesaid for the period July 1, 2012 through June 30, 2013 be and is hereby approved subject to certain conditions.

Be It Further Resolved that the application herein granted is subject to and conditioned upon execution and compliance with a plan for the internal controls and procedures as to the sale of alcoholic beverages at the said premises submitted by the Great Atlantic and Pacific Tea Company, Inc. in a letter dated June 27, 1987, and the following continued conditions:

1. Alcoholic beverages are to be sold at the alcoholic beverage area, courtesy counter or prescribed checkout aisles which are manned by adults, 18 years of age or older, who will require proper identification from customers.
2. Additional signs are to be posted prescribing the required minimum age of customers purchasing alcoholic beverages, and the requirements for identification and proof of age.
3. Persons selling alcoholic beverages are to conform with the proper conduct of sale of alcoholic beverages.

On roll call, all Council members voted in favor.

Resolution 12-187 – 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 check on the property listed below and charge same to Overpayment of 2012 Taxes:

2012

Block/ Lot	Name	Property Location	Amount
1102/2	Carter, Simon & Caroline 60 Donnybrook Drive Allendale, NJ 07401	60 Donnybrook Dr	\$4,186.35

On roll call, all Council members voted in favor.

Committee Reports

Water and Sewer

Mrs. McSwiggan said residents are being encouraged to volunteer to serve on a Sewer Advisory Committee. That Committee will be looking at the issue of illegal hookup of sump pumps to Allendale’s sewage system. The Council is looking for community input on how best to approach the situation and get the residents to support the process.

Mrs. McSwiggan also reported that she has been in touch with the Northwest Bergen Sewer Authority to get help in reviewing Allendale’s sewer flow because Allendale has a higher sewer flow rate than other towns. The NW Bergen Sewer Authority has agreed to

have their engineer do an inflow and infiltration study of our system to see if there is any infiltration of water into the sewer pipes. That will be done on the Borough's behalf at no cost to our taxpayers.

Mr. Barra commented that sewer charges are 15% of Allendale's budget or \$1,850,000.

Mrs. McSwiggan said it is her Committee's intent to work with people who have illegal sump pumps to get them hooked up correctly

Public Safety

Mr. Bernstein was absent.

Land Use and Construction Code

Mr. Strauch did not have a report.

Public Works

Mrs. White did not have a report.

Personnel, Finance and Human Resources

Ms. LaMonica was absent.

Facilities, Parks and Recreation

Mrs. Wilczynski said everything is going well at the Lake.

Municipal Attorney

Mr. Bole did not have a report.

Municipal Clerk

Mrs. McCarthy stated that there was a 7 ½% voter turnout at the Primary Election.

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

There were no comments from the public.

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

Respectfully submitted,

Gwen McCarthy
Municipal Clerk