

July 14, 2011

A regular meeting of the Borough Council was held in the Municipal Building on July 14, 2011. The meeting was called to order at 8:00 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, Mr. Schoepflin, Mr. Strauch, Mrs. White and Mayor Barra. Mr. Bernstein and Mrs. Wilczynski were absent. Also present were Mrs. McCarthy and Mr. Bole.

Minutes

Mrs. White moved, seconded by Mr. Schoepflin to approve the Work and Regular Session Minutes of June 23, 2011. On roll call Mrs. White, Mr. Schoepflin and Ms. LaMonica voted in favor. Mr. Strauch abstained.

Public Comment

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

Adoption of Ordinance 11-07

Resolution 11-220 – Introduced by Ms. LaMonica, seconded by Mrs. White

Be It Resolved that an Ordinance entitled 11-07, “Ordinance Appropriating \$250,000 from the General Capital Fund Balance for Various Road Improvements by the Borough of Allendale, in the County of Bergen, New Jersey” 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 14th day of July, 2011, 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 11-07 attached and made a part hereof.)

Consent Agenda

Resolution 11-221 – Introduced by Mr. Schoepflin, 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 July 14, 2011.

On roll call, all Council members voted in favor.

Resolution 11-222 – Introduced by Mr. Schoepflin, seconded by Ms. LaMonica

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 2011 Taxes:

Block/ Lot	Name	Property Location	Amount
104/30	Wells Fargo Home Mortgage MAC X2302-04D-Tax Dept 1 Home Campus Des Moines, IA 50328 Trajkovic	6 Elbrook Dr	\$1,548.21

On roll call, all Council members voted in favor.

Resolution 11-223 – Introduced by Mr. Schoepflin, seconded by Ms. LaMonica

Be It Resolved by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to issue a check to the following due to State Tax Board Judgments for the years 2009 and 2010:

2010

Block/Lot	Name	Amount
801/41	Steven Karvellas, et al. 144 Green Way Allendale, N.J. 07401	\$6,887.69

2009

801/41	Steven Karvellas, et al. 144 Green Way Allendale, N.J. 07401	\$5,785.78
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On roll call, all Council members voted in favor.

Resolution 11-224 – Introduced by Mr. Schoepflin, 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 salaries are hereby approved for the Crestwood Lake Swim Club 2011 Season as follows:

Substitute Lifeguards

Gregory Dworkin	\$	8.50/hr.
Paul Fallon	\$	8.50/hr.
Jad Groome	\$	8.50/hr.
James Heaney	\$	8.50/hr.
Kathleen Heslin	\$	10.75/hr.
Daniel Kim	\$	8.50/hr.
Maggie Mulder	\$	8.50/hr.

On roll call, all Council members voted in favor.

Resolution 11-225 – Introduced by Mr. Schoepflin, seconded by Ms. LaMonica

Whereas, Jo-Ann Van Lenten is the owner of real estate known as Lot 9 in Block 1405, 15 Cannon Place, Allendale, New Jersey;

Whereas, the owner Jo-Ann Van Lenten has filed a tax appeal challenging the 2010 tax assessment;

Whereas, Lot 9 in Block 1405 was assessed for the 2010 tax year in the total amount of \$830,500;

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;

Whereas, the parties have been able to arrive upon a proposed settlement agreement for a revised 2010 assessment of \$663,000 with the Freeze Act to apply for the year 2011;

Whereas, the parties have agreed that prejudgment interest shall be waived as a condition of the settlement;

Whereas, the Borough's Tax Assessor, Angela Mattiace and the Borough's Real Estate Appraiser, Charles Ciolino, are in agreement with the terms of this 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 Jo-Ann Van Lenten v. Allendale

tax appeal pending in the Tax Court of New Jersey for the tax year 2010 under docket number 016757-2010 for Lot 9 in Block 1405 at the new assessment set forth above;

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 tax payer, without statutory interest, for the 2010 appeal within sixty (60) days from the date of the Tax Court Judgment;

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

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 11-226 – Introduced by Mr. Schoepflin, seconded by Ms. LaMonica

Whereas, the Engineer has requested that certain changes are needed in the contract for Chestnut Street Roadway Improvements, and

Whereas, a net decrease of \$1,893.91 to the contractor will result from the following items:

- Payment penalties for marginally defective materials in accordance with New Jersey Department of Transportation (NJDOT) specifications.

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 \$1,893.91 be approved for Chestnut Street Roadway Improvements. This change order decreases the previous contract amount from \$165,070.83 to \$163,176.92.

On roll call, all Council members voted in favor.

Resolution 11-227 – Introduced by Mr. Schoepflin, 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 a part-time, fill-in Dispatcher as follows:

Name	Start Date	Rate of Pay
Kenneth Marcoux	July 15, 2011	\$15.00/hour

On roll call, all Council members voted in favor.

Resolution 11-228 – Introduced by Mr. Schoepflin, seconded by Ms. LaMonica

Whereas, additional product known as Mobi-Mat is required to be purchased for use at Crestwood Lake;

Whereas, Mobi-Mat product is proprietary in nature;

Whereas, the anticipated cost of the purchase is estimated to be \$8,167;

Whereas, there is a special need to purchase such proprietary product because the Borough has previously purchased Mobi-Mat product and the purchase of such additional product is directly related to the performance, completion and undertaking for the purpose for which the contract is to be awarded: to allow flexibility to design a beach pathway;

Now, Therefore, Be It Resolved by the Governing Body that the appropriate municipal official is hereby authorized to purchase such proprietary product as set forth in N.J.S.A. 40A:11-13(d).

On roll call, all Council members voted in favor.

Committee Reports

Public Safety

Mr. Bernstein was absent.

Public Works

Mrs. White did not have a report.

Land Use and Construction Code

Mr. Strauch reported there will be a meeting of the Land Use Committee on July 15th at 8:15 a.m. at the Borough Hall.

Water, Sewer and Public Utilities

Mr. Schoepflin said there will be a meeting of the Water Committee tomorrow at 10:00 a.m. to review water reports for the last quarter.

Administration, Finance and Human Resources

Ms. LaMonica stated her Committee is continuing discussions with the white collar union which they hope to conclude in the near future.

Facilities, Parks and Recreation

Mrs. Wilczynski was absent.

Municipal Attorney

Mr. Bole did not have a report.

Administrative Officer/Municipal Clerk

Mrs. McCarthy noted that in keeping with information provided by the Orange and Rockland Utility Company, all Borough thermostats are now set at 75 degrees. The increase in temperature will save at least 15% in utility costs over the temperature the thermostats were previously set at.

Respectfully submitted,

Gwen McCarthy
Municipal Clerk