

August 23, 2012

A regular meeting of the Borough Council was held in the Municipal Building on August 23, 2012. 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: Mr. Strauch, Mrs. White, Mrs. Wilczynski and Mayor Barra. Mr. Bernstein, Ms. LaMonica and Mrs. McSwiggan were absent. Also present were Mrs. McCarthy and Mr. Bole.

*Approval of Minutes*

Mayor Barra announced that there were not enough members present who attended the August 9<sup>th</sup> meeting to vote on the minutes of that meeting. As such, the vote on these minutes will be taken on September 13<sup>th</sup>.

*Public Hearing for Advertised Ordinances*

**Ordinance 12-09 – An Ordinance to Amend Chapter 270 of the Code of the Borough of Allendale Entitled “Zoning”**

Mr. Barra opened the meeting to the public for comments on Ordinance 12-09. There were none.

Resolution 12-234 – Introduced by Mr. Strauch, seconded by Mrs. White

**Be It Resolved** that an Ordinance entitled 12-09 “An Ordinance to Amend Chapter 270 of the Code of the Borough of Allendale entitled ‘Zoning’ “ 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 12-09, attached and made a part hereof.)

**Ordinance 12-15 – An Ordinance to Amend and Supplement Chapter 26 of the Code Entitled “Departments”**

Mr. Barra opened the meeting to the public for comments on Ordinance 12-15. There were none.

Resolution 12-235 – Introduced by Mrs. White, seconded by Mrs. Wilczynski

**Be It Resolved** that an Ordinance entitled 12-15 “An Ordinance to Amend Chapter 26 of the Code of the Borough of Allendale entitled ‘Departments’ “ 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.

(See copy of Ordinance 12-15, attached and made a part hereof.)

*Public Comments*

Mayor Barra opened the meeting to the public for comments on anything on the agenda.

There were none.

*Public Hearing on Grant Application for Bergen County Open Space, Farmland and Historic Preservation Trust Fund*

Mayor Barra opened the meeting to the public for commends on the application to Bergen County’s Open Space, Farmland and Historic Preservation Trust Fund. There was a question regarding the amount of the grant being requested.

Mrs. Wilczynski responded that Allendale is making an application for \$33,600 for Crestwood Lake Improvements.

Resolution 12-250– Introduced by Mrs. Wilczynski, seconded by Mrs. White

*Introduction of Ordinances*

**Ordinance 12-16 – Ordinance to Amend Chapter 220 of the Code Entitled “Sewer Use”**

Resolution 12-236– Introduced by Mrs. White, seconded by Mrs. Wilczynski

**Be It Resolved** that an Ordinance entitled 12-16, “An Ordinance to Amend Chapter 220 of the Code of the Borough of Allendale entitled ‘Sewer Use’ ” 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 13th day of September, 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 12-16, attached and made a part hereof.)

**Ordinance 12-17 – An Ordinance to Amend Chapter 270 of the Code Entitled “Zoning”**

Resolution 12-243 – Introduced by Mrs. White, seconded by Mrs. Wilczynski

**Be It Resolved** that an Ordinance entitled 12-17, “An Ordinance to Amend Chapter 270 of the Code of the Borough of Allendale entitled “Zoning” 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 13th day of September, 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.

**Ordinance 12-18 – An Ordinance to Amend and Supplement Chapter 53 of the Code Entitled “Officers and Employees”**

Resolution 12-244 – Introduced by Mr. Strauch, seconded by Mrs. Wilczynski

**Be It Resolved** that an Ordinance entitled 12-18, “An Ordinance to Amend Chapter 53 of the Code of the Borough of Allendale entitled “Officers and Employees” 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 13th day of August, 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.

*Consent Agenda*

Resolution 12-233 – Introduced by Mrs. White, seconded by Mr. Strauch

**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 #377 as follows:

Paramus Association for the Competitive Gymnast  
September 15, 2012  
On Premise 50/50 Raffle

7:00 – 11:00 p.m.  
Guardian Angel Church

Prize: 50% of the proceeds of the raffle

On roll call, all Council members voted in favor.

Resolution 12-237 – Introduced by Mrs. White, seconded by Mr. Strauch

**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 August 23, 2012.

On roll call, all Council members voted in favor.

Resolution 12-238- Introduced by Mrs. White, seconded by Mr. Strauch

**Whereas**, the Borough of Allendale is requesting funding from the New Jersey Department of Transportation Municipal Aid Program.

**Now, Therefore, Be It Resolved** that the Mayor and Council of the Borough of Allendale formally approves the grant application for the above stated project.

**Be It Further Resolved** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-Allendale Borough-0025 to the New Jersey Department of Transportation on behalf of the Borough of Allendale.

**Be It Further Resolved** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Allendale and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

On roll call, all Council members voted in favor.

Resolution 12-239 – Introduced by Mrs. White, seconded by Mr. Strauch

**Whereas**, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by order of approval in Docket No. TE11050320 on July 14, 2011 and Docket No. TE12040297 on June 18, 2012; and

**Whereas**, pursuant to such authority granted by the New Jersey Board of Public Utilities, Cross River Fiber may locate, place, attach, install, operate and maintain facilities within public right-of-way for purposes of providing telecommunications services; and

**Whereas,** Cross River Fiber proposes to place its telecommunication facilities aerially on existing utility poles or in underground conduit in the public rights of way within the Borough for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunication system;

**Now, Therefore, Be It Resolved** by the Governing Body of the Borough of Allendale that it does hereby grant consent to Cross River Fiber for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system pursuant to the terms of a Rights -Of- Way Use Agreement attached hereto and incorporated herein;

**Be It Further Resolved** that the Mayor and Municipal Clerk are authorized to execute the Rights-Of-Way Use Agreement which shall be subject to review and approval of the Borough Attorney.

On roll call, all Council members voted in favor.

Resolution 12-240 – Introduced by Mrs. White, seconded by Mr. Strauch

**Be It Resolved** by the Governing Body that it does hereby authorize the Municipal Clerk to advertise for Requests for Proposals for a water supply services contract for the Borough of Allendale.

**Be It Further Resolved** that the Municipal Clerk shall publish said advertisement at least once in The Record, Star Ledger and also place same on the Borough website.

On roll call, all Council members voted in favor.

Resolution 12-241 – Introduced by Mrs. White, seconded by Mr. Strauch

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that for the week of August 28 through September 3, salaries for seasonal life guards and gate persons will be increased by \$1.00 per hour depending on availability of funds.

On roll call, all Council members voted in favor.

Resolution 12-242 – Introduced by Mrs. White, seconded by Mr. Strauch

**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
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406/36            Rego, Wallace & Flavia            33 Ethel Ave            \$3,346.01  
Allendale, NJ 07401

On roll call, all Council members voted in favor.

Resolution 12-246 – Introduced by Mrs. White, seconded by Mr. Strauch

**Whereas**, the Borough Engineer has issued a letter report dated August 14, 2012 concerning maintenance for the project known as “Allendale Shopping Plaza Improvements”.

**Now, Therefore, Be It Resolved** by the Governing Body that it does hereby authorize the Engineer to issue a letter to the developer requiring said developer to rectify the maintenance deficiencies so noted in the Engineer’s letter and have the remedies accepted by the Engineer’s office prior to the expiration or release of the Letter of Credit or any other guarantees held by the Borough, or in the alternative, to have the developer extend the letter of credit for a period of time to allow for corrective measures; and

**Be It Further Resolved** that the Engineer is authorized to contact Lakeland Bank to place the bank on notice of the Borough’s intent to assert a claim against the letter of credit currently held by the bank in the event that the developer does not rectify the maintenance deficiencies as required.

On roll call, all Council members voted in favor.

Resolution 12-247 – Introduced by Mrs. White, seconded by Mr. Strauch

**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 school guards:

Name	Hire Date	Hourly Rate	Regular or Relief
Robert E. Paterson	August 27, 2012	\$18.00/hour	Regular
Paul J. Tuzzio	August 27, 2012	\$18.00 hour	Relief

On roll call, all Council members voted in favor.

Resolution 12-248 – Introduced by Mrs. White, seconded by Mr. Strauch

**Whereas**, the Governing Body has reviewed the revised by-laws, in part, of the Allendale Fire Department;

**Now, Therefore, Be It Resolved** by the Governing Body of the Borough of Allendale for good cause that pursuant to Code Section 26-16 the attached revised by-laws are hereby approved and same shall be kept on file with the office of the Municipal Clerk.

On roll call, all Council members voted in favor.

Resolution 12-249 – Introduced by Mrs. White, seconded by Mr. Strauch

**Whereas**, the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

**Whereas**, the Mayor and Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**Whereas**, the Mayor and Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Bergen;

**Now, Therefore, Be It Resolved** that the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Mayor and Council do hereby authorize submission of an application for the Borough of Allendale Municipal Alliance grant for calendar year 2012 in the amount of \$9,876.00.
2. The Borough Mayor and Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

On roll call, all Council members voted in favor.

*Committee Reports*

Public Works

Mrs. White gave a report on street projects earlier in the meeting.

Water and Sewer

Mrs. McSwiggan was absent.

Public Safety

Mr. Bernstein was absent.

Land Use and Construction Code

Mr. Strauch said the next meeting of his Committee will be Friday, September 14<sup>th</sup> at 8:15 a.m. at the Borough Hall.

Personnel, Finance and Human Resources

Ms. LaMonica was absent.

Facilities, Parks and Recreation

Mrs. Wilczynski said earlier in the evening she spoke about the application Allendale will submit with regard to Crestwood Lake improvements.

Municipal Attorney

Mr. Bole did not have a report.

Municipal Clerk

Mrs. McCarthy said the next meeting of the Council will be in three weeks.

Mayor Barra opened the meeting to the public for comments on any topic.

There were none.

On a motion from Mrs. White, seconded by Mrs. Wilczynski, the Council voted unanimously to adjourn at 8:25 p.m.

Respectfully submitted,

Gwen McCarthy  
Municipal Clerk