

August 25, 2011

A regular meeting of the Borough Council was held in the Municipal Building on August 25, 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: Mr. Bernstein, Ms. LaMonica, Mr. Schoepflin, Mr. Strauch, Mrs. White, Mrs. Wilczynski and Mayor Barra. Also present were Mrs. McCarthy and Mr. Bole.

Minutes

Mrs. White moved, seconded by Mr. Strauch to approve the Work and Regular Session minutes of July 28, 2011. On roll call, all Council members voted in favor.

Public Comment

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

Public Hearings for Advertised Ordinances

Ordinance 11-08

Resolution 11-243 – Introduced by Mr. Strauch, seconded by Mrs. White.

Be It Resolved that an Ordinance entitled 11-08, “An Ordinance to Amend and Supplement Chapter 256 of the Code 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 11-08 attached and made a part hereof.)

Ordinance 11-10

Resolution 11-244 – Introduced by Mrs. White, seconded by Mr. Bernstein.

Be It Resolved that an Ordinance entitled 11-10, “An Ordinance to Amend and Supplement Chapter 252 of the Code Entitled ‘Vehicles and Traffic’ “ 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 11-10 attached and made a part hereof.)

Public Hearing on Bergen County Open Space Trust Fund Grant

Mr. Barra opened the meeting to the public on the Bergen County Open Space Trust Fund Grant.

Mr. John Koster asked for more information about the grant.

Mayor Barra responded that the Borough is seeking a grant from the Parks and Recreation portion of the Bergen County Open Space Trust Fund Grant. Allendale is in the northwest region of Bergen County which has been allocated \$235,000. Allendale is submitting an application for a \$30,000 grant and if it is funded, the Borough will match it with an additional \$30,000. The money will be spent for the playground at Crestwood Park.

Public Comment

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

Introduction of Ordinances

Ordinance 11-11

Resolution 11-245 – Introduced by Ms. LaMonica, seconded by Mrs. Wilczynski

Be It Resolved that an Ordinance entitled 11-11, 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 8th day of September, 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 11-11, attached and made a part hereof.)

Consent Agenda

Mrs. Wilczynski moved, seconded by Ms. LaMonica, to pull item H, Resolution 11-253, Appointment of Dispatcher, from the agenda. On roll call, all Council members voted in favor.

Resolution 11-246 – Introduced by Ms. LaMonica, 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 August 25, 2011.

On roll call, all Council members voted in favor.

Resolution 11-247 – Introduced by Ms. LaMonica, seconded by Mrs. Wilczynski

Whereas, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

Whereas, the Director may also approve the insertion of an item of appropriation for equal amount;

Now, Therefore, Be It Resolved, Mayor and Council of the Borough of Allendale in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$13,763.31, which is now available from the State of New Jersey, Solid Waste Administration 2011 Recycling Tonnage Grant, in the amount of \$13,763.31.

Be It Further Resolved, that the like sum of \$13,763.31 is hereby appropriated under the caption Recycling Tonnage Grant; and

Be It Further Resolved that the above is the result of funds from the State of New Jersey Solid Waste Administration 2009 Recycling Tonnage Grant in the amount of \$13,763.31.

On roll call, all Council members voted in favor.

Resolution 11-248 – Introduced by Ms. LaMonica, seconded by Mrs. Wilczynski

Whereas, the Allendale Emergency Services are sponsoring a Relay For Life, and

Whereas, the event will take place on September 28 and 29, 2012,

Whereas, the hours for the activity will be 9 a.m. on Friday through 10 a.m. on Saturday, and

Whereas, the funds that are raised will be donated to the American Cancer Society for research, detection, education, and patient services.

Now, Therefore, Be It Resolved that the Mayor and Council of the Borough of Allendale do hereby approve and authorize the Relay for Life.

On roll call, all Council members voted in favor.

Resolution 11-249 – Introduced by Ms. LaMonica, seconded by Mrs. Wilczynski

Whereas, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

Whereas, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

Whereas, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-334, and

Whereas, the Local Finance Board has promulgated NJAC 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled “Comments and Recommendations” and

Whereas, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and

Whereas, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to NJAC 5:30-6.5; and,

Whereas, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board,

Whereas, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than

one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

Now, Therefore Be It Resolved, that the Mayor and Council of the Borough of Allendale, hereby states that it has complied with NJAC 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

On roll call, all Council members voted in favor.

Resolution 11-250 – Introduced by Ms. LaMonica, seconded by Mrs. Wilczynski

WHEREAS, the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey expresses their support of the United State's Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey:

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BE IT FURTHER RESOLVED that on the 10th anniversary of this tragic day in United States history the Mayor and Council of the Borough of Allendale calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Allendale encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles or sounding sirens.

On roll call, all Council members voted in favor.

Resolution 11-251 – Introduced by Ms. LaMonica, seconded by Mrs. Wilczynski

Whereas, the Division of Local Government Services requires the Chief Financial Officer to file a “Corrective Action Plan” outlining the actions to be taken relative to the findings and recommendations in the annual audit report; and

Whereas, the “Corrective Action Plan” shall be prepared by the Chief Financial Officer with the assistance of the departments affected by the audit finding and recommendations; and

Whereas, the governing body is required by resolution, to approve said “Corrective Action Plan” and shall be placed on file and made available for public inspection in the office of the Borough Clerk;

Now, Therefore, Be It Resolved, that the Governing Body of the Borough of Allendale hereby approves the “Corrective Action Plan” for the Fiscal Year 2010 Audit Report submitted by the Chief Financial Officer

On roll call, all Council members voted in favor.

Resolution 11-252 – Introduced by Ms. LaMonica, seconded by Mrs. Wilczynski

Whereas, the Engineer has requested that certain changes are needed in the contract for 2010 Bergen County/County Wide ADA Ramps, Curb and Sidewalk Program.

Whereas, a net decrease of \$5,239.77 will result from the following items:

- Reconcile contract quantities with as-built quantities, and
- Inclusion of an allowance for a sprinkler repair claim at 247 E. Allendale Avenue

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 \$5,239.77 be approved for the Bergen County/County Wide ADA Ramps, Curb and Sidewalk Program. This change order decreases the previous contract amount from \$22,306.29 to \$17,066.52.

On roll call, all Council members voted in favor.

Resolution 11-254 – Introduced by Ms. LaMonica, seconded by Mrs. Wilczynski

Whereas, the County of Bergen Board of Chosen Freeholders (“County”) has adopted Resolution No. 776-11, dated July 13, 2011 (“County Resolution”) to authorize a shared services agreement for intersection improvement and signalization at West Crescent Avenue and Myrtle Avenue in the Borough of Allendale (“Borough”);

Whereas, the Governing Body of the Borough has reviewed the County Resolution which sets forth the responsibilities of both the County and Borough for the above mentioned project;

Now, Therefore, Be It Resolved by the Governing Body of the Borough of Allendale, County of Bergen and State of New Jersey that:

1. It concurs with the County Resolution and the responsibilities and proposed cost apportionment set forth therein;
2. That the Borough be and is hereby authorized to enter into an agreement with the County for the project;

3. That the Mayor and Municipal Clerk are authorized to execute the necessary agreement in a form to be approved by the Borough Attorney;

4. That the Municipal Clerk is authorized to forward a certified copy of this resolution to the Clerk of the Bergen County Board of Chosen Freeholders.

On roll call, all Council members voted in favor.

Resolution 11-255 – Introduced by Ms. LaMonica, seconded by Mrs. Wilczynski

Whereas, the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund (“County Trust Fund”), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of municipal recreation facilities; and

Whereas, the Borough of Allendale desires to further the public interest by obtaining a matching grant of \$30,000 from the County Trust Fund to fund the following projects: playground equipment, umbrellas/shade pavilion and playground mulch, and

Whereas, the Governing Body has reviewed the County Trust Fund Program Statement and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and

Whereas, as part of the application process, the Governing Body has held a public hearing on August 25, 2011 to receive comments prior to the submission of said application, and

Whereas, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and

Whereas, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statues, and is willing to enter into an agreement with the County of Bergen for the above named projects.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale:

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of September 1, 2011, as established by the County; and
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the applicant has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and
3. That the applicant is committed to providing a dollar for dollar cash match for the project; and

4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project, and
5. That this resolution shall take effect immediately.

On roll call, all Council members voted in favor.

Resolution 11-256 – Introduced by Ms. LaMonica, 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 Lightning Detection System in The Record in accordance with law.

On roll call, all Council members voted in favor.

Resolution 11-257 – Introduced by Ms. LaMonica, 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 Backstop for the Grandstand in The Record in accordance with law.

On roll call, all Council members voted in favor.

Resolution 11-258 – Introduced by Ms. LaMonica, seconded by Mrs. Wilczynski

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 Borough 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 Borough 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 Council does hereby authorize submission of an application for the Allendale Municipal Alliance grant for calendar year 2012 in the amount of \$10,356.00.
2. The Borough 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 Safety

Mr. Bernstein said the Public Safety Committee met this morning. One of the topics was hurricane preparedness. There was a Swift Reach e-mail that went out today and information will be sent out by Nixle if needed. Mr. Bernstein urged anyone has not signed up for these services they should do so immediately. The Police and the OEM are meeting and have made all preparations to be ready for the storm.

Mayor Barra added that the DPW and Fire Departments have readied their vehicles for the storm and barricades have been placed at the areas that generally flood.

Chief Scherb said he met with Hans Cunningham and plans are in place for the hurricane. DPW, Fire, Police, EMS and members of the Council will meet on Saturday morning at 9:00 a.m. to make sure everything is in order.

Public Works

Mrs. White said the DPW Committee met this morning. The Director of Operations has been working with the staff on pre-hurricane issues. Barricades will be put out in the areas that have drainage issues and attention will be given to the upper pond. The DPW staff will be on call for the weekend.

The second part of a PSE&G project on Franklin Turnpike will begin on September 7th and conclude by December 15th. This time work will be scheduled beginning on Chestnut Street in Waldwick concluding on Pittis Avenue at the abandoned trolley line where Rockland Electric's right of way is located. It is hoped there won't be a complete shutdown of Franklin Turnpike but that is a call that will be made by the Police Chief.

Land Use and Construction Code

Mr. Strauch stated that the last meeting of his Committee was primarily spent discussing D Industrial Zone revision proposals. The next meeting of the Land Use and Construction Code Committee will be held on Friday, September 9th at 8:15 a.m. at the Borough Hall.

Water, Sewer and Public Utilities

Mr. Schoepflin said there will be a meeting on Monday morning at 8:30 a.m. to discuss revenue and production issues because this has been an unusual summer with regard to water use. A careful review will be made of future rates.

Administration, Finance and Human Resources

Ms. LaMonica stated her Committee has been working on salary ranges for non-contractual staff. Also the negotiations are nearing a conclusion for the Office Workers Union.

Facilities, Parks and Recreation

Mrs. Wilczynski said a meeting of the Parks and Recreation Committee was held yesterday. Over two hundred people attended the evening at Crestwood Lake for a live band concert. The final event will be a movie on Friday night. Everything is going well at the ball fields. The Committee will begin to discuss the problems at each one of the ball fields and then begin upgrading them. Hopefully work will begin in the near future on the playground with assistance from grant funding from the County.

Municipal Attorney

Mr. Bole did not have a report.

Administrative Officer/Municipal Clerk

Mrs. McCarthy thanked the Town Journal, Mayor Barra, the Police Chief and Mr. Schoepflin for their contributions toward the article on Sgt. McCarthy's retirement from the Allendale Police Force.

Mrs. McCarthy said she was able to review nearly all the files in the Clerk's office during the summer. With the exception of a few personnel files that project is nearly completed.

Public Comments

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

Mr. Strauch moved, seconded by Mrs. White to adjourn at 8:15 p.m.

Respectfully submitted,

Gwen McCarthy
Municipal Clerk