

Mayor and Council of the Borough of Allendale  
Regular Session Meeting Minutes  
April 7, 2016

PRESENT: Mayor Elizabeth White and Council members Ari Bernstein, Liz Homan, Jackie McSwiggan, Steve Sasso, Jim Strauch and Amy Wilczynski

ABSENT: None

ALSO PRESENT: Borough Attorney Ray Wiss  
Municipal Clerk Anne Dodd

A Regular Session Meeting of the Mayor and Council of the Borough of Allendale was held in the Municipal Building at 500 West Crescent Avenue, Allendale, NJ on April 7, 2016. The meeting was called to order at 8:10 p.m. by Mayor White who asked that the Municipal Clerk read the open public meetings statement: "In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. The meeting dates for the year are confirmed at the Annual Meeting, are posted on the public bulletin board in the Municipal Building, published in the Record within the first 10 days of the New Year, and copies are sent to the Ridgewood News and Star Ledger."

The Mayor led those present in a salute to the flag.

***Approval of Minutes:***

Motion by Councilwoman McSwiggan, second by Councilman Bernstein, that the Minutes of March 24, 2016 Work Session and March 24, 2016 Regular Session are approved.

On a roll call, the vote was recorded as follows:

Councilman Bernstein:	aye	Councilman Sasso:	aye
Councilwoman Homan:	abstain	Councilman Strauch:	aye
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	aye

***Public Comment***

George Bumiller, 39 Lakeview Terrace, Ramsey, noted that the deer issue is regional and requested information on the state of deer management in Allendale. He inquired whether there were statistics available on how many vehicle collisions involved deer. He also questioned how long the Council has had two separate public comment sections and the reason behind it.

Mayor White explained that the Board of Health had the NJ DEP attend a meeting to explore the possibilities to handle deer moving forward. Allendale's code has a no discharge policy, but is silent on bow hunting. The council is attempting to work with surrounding towns to deal with this issue and guidance is awaited from the County. Mayor White suggested that Mr. Bumiller reach out to the County Executive and County Parks Director. She also noted that the number of collisions involving deer is smaller than one would think. Mayor White advised that having two public comment sections on the agenda has been past practice in Allendale.

Borough Attorney Wiss explained that in terms of public comment, the meetings offer an opportunity for the public to comment on agenda items only in the beginning of the meeting and then a time for more general comments at the end.

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Ronald Kistner, Administrative Officer/Director of Operations, advised that he will be having the Webmaster place a Port Authority/FAA flight path noise complaint form on the Borough website. He explained the number of seasonal employees was reduced from four to two in order to fund the 2016 Grounds Maintenance Program.

**Public Hearings for Advertised Ordinances:**

**Ordinances 16-08 – 16-10**

The Municipal Clerk read into the record:

The following ordinances published herewith were first read by title only on March 24, 2016 and posted on the bulletin board of the municipal building.

ORDINANCE 16-08 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

ORDINANCE 16-09 – ORDINANCE ESTABLISHING CHAPTER 118 OF THE BOROUGH CODE ENTITLED “DRONES AND UNMANNED AIRCRAFT” REGARDING CERTAIN REGULATIONS OF DRONE TECHNOLOGY AND UNMANNED AIRCRAFT FOR THE BOROUGH OF ALLENDALE

ORDINANCE 16-10 – AN ORDINANCE TO ESTABLISH CHAPTER 135 OF THE CODE OF THE BOROUGH OF ALLENDALE ENTITLED “GLUE SALES AND HEAD SHOPS”

Public Comments on Ordinance 16-08 through 16-10

No one came forward.

Motion by Councilwoman McSwiggan, second by Councilman Sasso, that Ordinances 16-08 through 16-10 be passed on second and final reading and are hereby adopted and notice of same shall be published according to law.

On a roll call, the vote was recorded as follows:

Councilman Bernstein:	aye	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	aye
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	aye

(See Ordinances 16-08 through 16-10, attached and made a part hereof.)

**Introduction of Ordinances**

Motion by Councilman Strauch that the following ordinances be introduced and passed on first reading and setting April 28, 2016 at 8:00 p.m. or as soon thereafter as the as the matter can be heard as the date and time and the Council Chambers of the Allendale Municipal Building as the place for a hearing on said ordinances. Second by Councilwoman Wilczynski.

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The Municipal Clerk read the title of the ordinances into the record:

ORDINANCE 16-11 – AN ORDINANCE TO ESTABLISH CHAPTER 205 OF THE CODE OF THE BOROUGH OF ALLENDALE ENTITLED “PUBLIC RECREATIONAL BATHING”

ORDINANCE 16-12 – AN ORDINANCE TO ESTABLISH CHAPTER 267 OF THE CODE OF THE BOROUGH OF ALLENDALE ENTITLED “YOUTH CAMPS”

ORDINANCE 16-13 – AN ORDINANCE TO ESTABLISH CHAPTER 134 OF THE CODE OF THE BOROUGH OF ALLENDALE ENTITLED “GARAGE SALES”

ORDINANCE 16-14 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, STREETS AND SIDEWALKS, CHAPTER 233

ORDINANCE 16-15 – AN ORDINANCE TO AMEND SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, BOARDS, COMMITTEES AND COMMISSIONS, CHAPTER 6

ORDINANCE 16-16 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, ANIMALS, CHAPTER 93

ORDINANCE 16-17 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, PUBLIC PLACES, CHAPTER 203

On a roll call, the vote was recorded as follows:

Councilman Bernstein:	aye	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	aye
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	aye

(See Ordinances 16-11 through 16-17, attached and made a part hereof.)

**Consent Agenda**

Motion by Councilman Bernstein, second by Councilman Strauch, and all members present voting in favor, to pull Resolutions #16-130 and #16-131 from the Consent Agenda and conduct a separate vote.

- A. **16-124**/Approval of Bill List
- B. **16-125**/Authorize Agreement – 2016 Turf Program
- C. **16-126**/Authorize Refunds – Overpayment of 2015 & 2016 Taxes
- D. **16-127**/Oppose New Flight Path to Teterboro Airport
- E. **16-128**/Authorize Agreement – 2016 Ground Maintenance Program
- F. **16-129**/ Authorize Emergency Temporary Appropriations
- G. ~~16-130/Authorize Acquisition of Property~~ Voted on Separately
- H. ~~16-131/Appoint Legal Counsel – Acquisition of Property~~ Voted on Separately

Motion by Councilwoman McSwiggan, second by Councilman Bernstein, that the Consent Agenda be approved as amended.

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On a roll call, the vote was recorded as follows:

Councilman Bernstein:	aye	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	aye
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	aye

All members present voting in favor, the Consent Agenda was approved as amended.

**Resolution 16-124**

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 April 7, 2016 in the amounts of:

Current Fund	\$875,044.34
Capital	\$4,910.24
Recycling Trust	\$490.00
Trust Fund	\$1,000.00
Water Capital	\$3,000.00
<b>Total</b>	<b>\$884,444.58</b>

**Resolution 16-125**

**Authorize Agreement for 2016 Turf Program**

**Whereas**, there is a need for landscaping services for the 2016 Turf Program; and

**Whereas**, quotations and pricing were sought by the Borough's Director of Operations;

**Whereas**, the Chief Financial Officer has advised that funding is available for this purchase.

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that an Agreement for landscaping services for the 2016 Turf Program with TruGreen Commercial, 118 Route 17 North, Upper Saddle River, New Jersey 07458 be entered into with TruGreen Commercial in the amount of \$13,410.00; and

**Be It Further Resolved** that the solicitation of quotes record be kept on file with the award of contract in the Municipal Clerk's office and that the Mayor is authorized to execute said agreement; and

**Be It Further Resolved** that the Mayor, Borough Clerk and Borough Attorney are hereby authorized to such action as may be necessary to implement this Resolution, including the execution of an Agreement with TruGreen Commercial for the above services.

OVERPAYMENT

BE IT RESOLVED by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to issue the following checks on the properties listed below and charge same to Overpayment of 2015 Taxes:

<b>Block/ Lot</b>	<b>Name</b>	<b>Property Location</b>	<b>Amount</b>
1604/22	Wells Fargo Home Mortgage 1 Home Campus MAC X2302-04D Des Moines, IA 50328	6 George Street	\$4,047.69
2009/1.02	Dovenmuehle Mortgage Inc. 1206 St. Charles Road Elgin, IL 60120	21 Elmwood Avenue	\$4,044.56

BE IT FURTHER 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 2016 Taxes:

1401/5	Habeishy, Jules & Kathleen 196 Schuyler Road Allendale, NJ 07401	196 Schuyler Road	\$1,000.00
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**Oppose Proposed New Flight Path to Teterboro Airport**

WHEREAS, a new flight path to Teterboro Airport has been proposed by the Federal Aviation Administration (FAA) that shifts aircraft west of their current route to track Route 17 South from Mahwah to Rochelle Park, with a significant portion of the approach taking place in Allendale as well as between Waldwick and Paramus; and

WHEREAS, a six-month trial of the new flight procedure is scheduled to begin on April 4, 2016; and

WHEREAS, the new approach could take jets over a half a dozen schools, parks, recreational swimming facilities, nursing homes, and special needs housing as well as The Valley Hospital in Ridgewood and the Bergen Regional Medical Center, the largest hospital and licensed nursing home in New Jersey; and

WHEREAS, with this new flight procedure, jets approaching Teterboro will drop to as low as 2,000 feet, adding noise and air pollution at these levels; and

WHEREAS, the FAA has not provided the local municipalities affected by the proposed change sufficient warning or an opportunity to respond to the new flight path.

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NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey requests the FAA to consider the negative impact that the proposed flight path to Teterboro Airport will have on the residents within the affected municipalities as well as the effect it may have on the comfort and safety of the patients of The Valley Hospital and Bergen Regional Medical Center; and

BE IT FURTHER RESOLVED that the Borough of Allendale urges the FAA to postpone testing of the new flight path to Teterboro Airport; and

BE IT FURTHER RESOLVED that the Borough of Allendale strongly opposes the new proposed flight path to Teterboro Airport; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the FAA and Legislators of the 40<sup>th</sup> District.

**Resolution 16-128**

Approval of Agreement for 2016 Commercial Ground Maintenance

**Whereas**, there is a need for landscaping services for the 2016 Commercial Ground Maintenance Program; and

**Whereas**, quotations and pricing were sought by the Borough's Director of Operations;

**Whereas**, the Chief Financial Officer has advised that funding is available for this purchase.

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that an Agreement for landscaping services for the 2016 Commercial Grounds Maintenance with High Mountain Landscaping, 27 Eberhardt Road, East Hanover, New Jersey 07936 be entered into with High Mountain Landscaping in the amount of \$34,345.00; and

**Be It Further Resolved** that the solicitation of quotes record be kept on file with the award of contract in the Municipal Clerk's office and that the Mayor is authorized to execute said agreement; and

**Be It Further Resolved** that the Mayor, Borough Clerk and Borough Attorney are hereby authorized to such action as may be necessary to implement this Resolution, including the execution of an Agreement with High Mountain Landscaping for the above services.

**Resolution 16-129**

Authorizing Emergency Temporary Budget Appropriations

**WHEREAS**, an emergent condition has arisen with respect to certain budget appropriations and no adequate provision has been made in the 2016 Temporary Budget, and N.J.S.A. 40A: 4-20 provides for the creation of emergency temporary appropriations for said purpose; and

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**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Allendale that in accordance with the provisions of N.J.S.A. 40A: 4-20;

1. An emergency temporary appropriation be and the same is hereby made in the total amount of:

<b>Current Fund</b>	
Clerk, S&W	\$9,000
Finance, S&W	\$13,000
Tax Collection, S&W	\$7,000
Tax Assessor, S&W	\$6,000
Engineering, S&W	\$2,000
Planning/Zoning, S&W	\$2,000
Construction, S&W	\$11,000
Zoning/Prop Maintenance, S&W	\$200
Electrical Inspector, S&W	\$2,000
Plumbing Inspector, S&W	\$2,000
Fire Subcode, S&W	\$2,000
Police, S&W	\$250,000
Office of Emerg. Mgmt, S&W	\$800
Court, S&W	\$2,000
Streets, S&W	\$80,000
Municipal Recycling, S&W	\$500
Prosecutor, S&W	\$1,000
Electricity, O.E.	\$10,000
Telephones, O.E.	\$10,000
Street Lighting, O.E.	\$15,000

2. That said emergency temporary appropriation will be provided in the 2016 budget;

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

**16-130/Authorize Acquisition of Property**

Motion by Councilman Sasso, second by Councilman Bernstein, that Resolution #16-130 be approved.

On a roll call, the vote was recorded as follows:

Councilman Bernstein:	aye	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	aye
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	aye

**Resolution 16-130**

**Resolution Authorizing Acquisition of Property**

**WHEREAS**, the New Jersey Supreme Court in series of decisions over the past 40 years, commonly referred to as the "Mt. Laurel" decisions, has ruled that developing municipalities have a

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constitutional obligation to provide a realistic opportunity for the construction of low and moderate income housing; and

**WHEREAS**, in 1985 the New Jersey Legislature enacted the New Jersey Fair Housing Act (“FHA”) in response to the Mt. Laurel decisions, and the FHA then created the New Jersey Council On Affordable Housing (“COAH”) as the administrative alternative to the court-based determination of the appropriate and required affordable housing obligations of New Jersey’s municipalities; and

**WHEREAS**, COAH established certain formulas for determining such municipal affordable housing obligations from 1987 to 2025 in which are commonly referred to as the first, second and third round obligations; and

**WHEREAS**, the Borough of Allendale (“Allendale”) has demonstrated a long-standing commitment to voluntarily complying with its Mt. Laurel obligations, and more particularly has secured substantive certification from COAH for all three of said rounds; and

**WHEREAS**, on March 10, 2015, the New Jersey Supreme Court, in In re COAH, directed, as a result of COAH’s failure to adopt Third Round regulations, that the New Jersey state trial courts assume COAH’s functions and duties; and

**WHEREAS**, as part of Allendale’s efforts to continue to voluntarily comply with its Mt. Laurel obligations for the period 1999-2025 (Third Round), Allendale has retained the services of an expert who has opined that Allendale’s present and prospective affordable housing obligations for Round 3 is 81 units; and

**WHEREAS**, the New Jersey Fair Share Housing Center (“FSHC”) has retained the services of its own expert who has opined in submissions to the Superior Court of New Jersey that Allendale’s affordable housing obligations for the Third Round are 406 units; and

**WHEREAS**, the FSHC has further taken the position before the Superior Court that Allendale’s present and prospective Third Round affordable housing obligations are, in fact greater than 406 units; and

**WHEREAS**, it is the desire and intent of Allendale to take all steps necessary to responsibly comply with its Third Round affordable housing obligations for which it is ultimately determined to be responsible; and

**WHEREAS**, Allendale is also desirous of acquiring and preserving appropriate and suitable land for open space for public recreation and/or the conservation of natural resources so as to maintain and increase the quality of life, economic prosperity, and environmental quality of and for the residents of Allendale; and

**WHEREAS**, the real properties located in Allendale at (1) 220 West Crescent Avenue, and designated on the Allendale Tax Map as Block 1005, Lot 20; (2) 230 West Crescent Avenue and designated on the Allendale Tax Map as Block 1005, Lot 3; and (3) 200 West Crescent Avenue and designated on the Allendale Tax Map as Block 1005, Lot 4, (collectively the “Properties”) have been identified as properties appropriate, desirable and unique within Allendale for the purposes of (1) addressing and satisfying its affordable housing obligations as set forth herein above; (2) increasing open space within Allendale for public recreation and/or the conservation of natural resources; and (3) addressing other vital municipal purposes and services; and



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**WHEREAS**, Allendale has the ability to fund the acquisition authorized by this Resolution;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor, Borough Attorney, the Borough Chief Financial Officer, and the Borough Clerk, be and hereby are authorized to take any and all necessary steps, including, without limitations, the filing of appropriate legal proceedings, to effectuate the acquisition of the Properties by Allendale.

**16-131/** Appoint Legal Counsel – Acquisition of Property

Motion by Councilwoman Wilczynski, second by Councilwoman McSwiggan, that Resolution #16-131 be approved.

On a roll call, the vote was recorded as follows:

Councilman Bernstein:	aye	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	aye
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	aye

**Resolution 16-131**

**Resolution Appointing Legal Counsel**

**WHEREAS**, there exists a need on the part of the Borough of Allendale (“Allendale”) to appoint legal counsel to represent Allendale in connection with the Allendale’s acquisition of the real properties in Allendale known as 200 West Crescent Avenue, 220 West Crescent Avenue and 230 West Crescent Avenue, including but not limited to any legal or court proceedings as may be necessary in connection with such acquisition; and

**WHEREAS**, Allendale has determined that Raymond R. Wiss, Esq. is qualified and experienced to provide the foregoing legal services; and

**WHEREAS**, Allendale, by adoption of this Resolution wishes to appoint Raymond R. Wiss, the Borough Attorney to act as counsel for Allendale in connection with the foregoing; and

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Allendale that Raymond R. Wiss be and hereby is appointed as counsel to represent Allendale in connection with the matters set forth hereinabove.

**Proclamations:**

This item was moved to the Work Session agenda.

**Unfinished Business:**

There was no unfinished business

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***New Business:***

There was no new business

***Council Committee Reports and Comments***

**Councilwoman Homan** – Public Safety

Councilwoman Homan thanked the Council for recognizing the Telecommunicators and all that they do for the community. She expressed that she is happy to see that there has been a lot of attention given in the downtown to crosswalk safety and commented that she believes the fact that the crosswalks will be repaired is a wonderful move going forward. She noted that the Fire Department has been raising awareness of the need for volunteers. She thanked the Office of Emergency Management for including the governing body in communications that took place during the windstorm.

**Councilwoman McSwiggan** – Water, Sewer and Public Utilities

Councilwoman McSwiggan reported that all projects are moving along. She reminded everyone that permanent water restrictions are in place and asked that everyone be mindful of those restrictions.

**Councilman Sasso** - Land Use and Construction Code

Councilman Sasso advised that the Land Use and Construction Code Committee continues to address property maintenance issues and review the code in terms of Construction and Zoning to address vulnerable areas and remove redundancies.

**Councilman Bernstein** – Administration, Finance and Human Resources

Councilman Bernstein acknowledged Mayor White and former Mayor Barra for their role in the budget process over the years in allowing Allendale to continue to be a great place in which to live. He advised that the budget is scheduled for adoption on April 28<sup>th</sup> and the Borough Auditor will be in attendance to give a budget presentation.

**Councilwoman Wilczynski** – Facilities, Parks and Recreation

Councilwoman Wilczynski advised that they had opening day and all the fields are looking good. The Facilities, Parks and Recreation Committee is working on capital improvements at Crestwood Lake. She advised that they received a nice donation from ALEOOOP which will help in completing these improvements. The island will be redone at the entrance where the gazebo has been placed to complete check-ins. Councilwoman Wilczynski commented that this island will help improve the aesthetics and address traffic concerns. In terms of the Red Barn, two grants are being sought to make the bathrooms ADA compliant and fix up the side area by the showers. She noted that registration will be starting soon, the newsletter is ready to go out, and almost all events are planned for this season.

**Councilman Strauch** – Public Works

Councilman Strauch reported that the Public Works Committee monthly meeting took place yesterday. He commented that the meeting went very well due to the work of Mr. Kistner and

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Councilman Sasso prior to Councilman Strauch taking over as Chair. This meeting was followed by an Engineering meeting which will be the format going forward. The next Public Works meeting is scheduled for the first Wednesday in May at 9 a.m. followed by the Engineering meeting at 10 a.m.

**Mayor's Report:**

Mayor White thanked the Council for how they go over and above when it comes to their respective committees. She reported that Chuck Dombeck, a beloved resident, has passed away. She remarked that he will be sorely missed and expressed her condolences to his wife and family.

**Staff Reports:**

Ray Wiss, Municipal Attorney, advised that he has been busy drafting ordinances and resolutions. In terms of the pending litigation, he noted that the motions on the lighting matter at the High School are returnable on May 1<sup>st</sup> which would include the High School's motion for reconsideration of the judge's opinion and the Plaintiff's motion to amend their complaint if they so desire. The GRC complaint has been dismissed. In terms of COAH, the judge has entered an order extending immunity period until July 31<sup>st</sup>.

Anne Dodd, Municipal Clerk, advised that she sent an email regarding the need to file Financial Disclosure Statements by April 30<sup>th</sup>.

Mayor White reminded the governing body that if they have not done so already, the online JIF training for Elected Officials needs to be completed. The Borough receives a \$250 credit for each Elected Official who completes this course.

Councilman Sasso noted that if one has previously filed a Financial Disclosure Statement, all of the information is saved, making it very easy to file.

Ron Kistner, Director of Operations, advised that the Library ADA doors have been installed.

**Public Comment on any issue:**

No one came forward.

**Adjournment:**

There being no further business to come before the Mayor and Council, on a motion by Councilwoman McSwiggan, second by Councilwoman Homan, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:37 p.m.

Respectfully submitted,

Anne Dodd, RMC  
Municipal Clerk