

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

PRESENT: Mayor Elizabeth White and Council members Ari Bernstein, Liz Homan (arrived at 7:41 p.m.), Jackie McSwiggan, Steve Sasso, Jim Strauch, and Amy Wilczynski

ABSENT: None

ALSO PRESENT: Borough Attorney Ray Wiss
Municipal Clerk Anne Dodd

A Work 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 7:36 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.”

As several Telecommunicators were in attendance for the Proclamation in Honor of National Public Safety Telecommunicators Week, Mayor White proposed moving the proclamation to the Work Session agenda to which the members of the governing body agreed.

Proclamations

A. Proclamation in Honor of National Public Safety Telecommunicators Week

Mayor White read the following proclamation into the record:

**National Public Safety Telecommunicators Week
April 10-16, 2016**

Whereas emergencies can occur at anytime that require police, fire or emergency medical services;

And Whereas when an emergency occurs the prompt response of police officers, firefighters and EMT/paramedics is critical to the protection of life and preservation of property;

And Whereas the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Allendale Emergency Communications Center;

And Whereas Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services;

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And Whereas Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring their safety;

And Whereas Public Safety Telecommunicators of the Borough of Allendale have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients;

And Whereas each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

Therefore Be It Resolved that the Allendale Borough Council declares the week of April 10 through 16, 2016 to be National Public Safety Telecommunicators Week in Allendale New Jersey, in honor of the men and women whose diligence and professionalism keep our borough and citizens safe.

Mayor White expressed that she is pleased to honor the Police Dispatchers this evening as they are truly the first line when dealing with someone in crisis. She thanked them for their service.

Detective Michael Dillon of the Allendale Police Department thanked the Mayor and Council for recognizing the 911 Dispatchers this evening as Allendale Emergency Services rely heavily on these individuals. He expressed that he has no doubt that the actions of these employees have saved countless lives and have brought comfort to residents in their time of need. He commented that it is important that the Allendale residents have a direct lifeline to an Allendale Dispatcher who is familiar with the Borough and has a personal interest in the safety and security of this community.

Administration:

A. Agenda Review

Mayor White reviewed the Regular Session agenda. She noted that the ordinances on for adoption this evening were discussed thoroughly upon introduction at the last meeting.

She then reviewed the ordinances that are being introduced this evening. With respect to Ordinances 16-11 and 16-12, she advised that these ordinances will allow the Borough to collect a fee for the inspections of bath houses and youth camps conducted by the Sanitarian whose services are provided by the County.

Mayor White requested that Councilman Sasso provide an explanation of Ordinances 16-13 and 16-14. In regard to Ordinance 16-13, Councilman Sasso explained that the purpose of this ordinance is to establish parameters for the conduct of garage sales in order to address issues with signs, traffic, and noise. He then advised that although it is already illegal to affix to utility poles, the issue seems to be escalating which affects both the quality of life and safety. He noted the importance of having a good partnership with the utilities and explained that Ordinance 16-14 tightens up the regulations to ensure that they are clear.

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Mayor White remarked that Ordinances 16-15 through 16-17 were the result of collaboration between the Facilities and Public Safety Committees. She asked that Councilwoman Wilczynski provide an explanation of the purposes of these ordinances. Councilwoman Wilczynski advised that although it has been in existence for 18 years, Ordinance 16-15 establishes the Allendale Volunteer Goose Patrol as an official committee. In terms of Ordinance 16-16, she noted that although Allendale is a dog-friendly town, there have been issues at Crestwood Lake with dogs running without leashes. This ordinance tightens up the rules and regulations with respect to dogs running at large, allowing enforcement by the Police Department. With respect to Ordinance 16-17, Councilwoman Wilczynski explained that there have been issues with motorized boats at Crestwood Lake. This ordinance prohibits their use as well as the use of motorized cars. This ordinance also addresses illegal dumping and amends Schedule 1 to clearly define the prohibited areas. She thanked Councilman Strauch, Councilwoman Homan, and the Borough Attorney for their assistance in drafting these ordinances.

Mayor White then reviewed the Consent Agenda. She highlighted Resolution #16-127, noting that this issue has been in the papers a lot lately and expressed her opinion that it is good to get the governing body's opposition to the proposed flight path on record. She thanked the Municipal Clerk for drafting this resolution.

Councilwoman McSwiggan added that the public is able to provide comments the new flight path is in its test period.

Mayor White explained that Resolution#16-128 allows the use of an outside contractor to handle the Ground Maintenance Program, freeing up employees in the DPW to address other areas.

As Resolutions #16-130 and #16-131 deal with the acquisition of property, Mayor White noted that she will request a motion to have them pulled off the Consent Agenda to be voted upon separately. She then read the following statement into the record:

"I would like to bring to your attention and update you on Allendale's current COAH obligations mandates by the courts.

As most of you are aware, the New Jersey Supreme Court in series of decisions over the past 40 years has ruled that municipalities have a constitutional obligation to provide a realistic opportunity for the construction of low and moderate income housing. In 1985 the New Jersey Legislature enacted the New Jersey Fair Housing Act ("FHA") 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 for New Jersey's municipalities. COAH established certain formulas for determining each municipality's affordable housing obligations from 1987 to 2025 in which are commonly referred to as the first, second and third round obligations.

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The Borough of Allendale has demonstrated a nearly 20-year commitment to voluntarily complying with these affordable housing obligations. In fact, Allendale has secured substantive certification from COAH for all three rounds. As you may recall, in 2009, a joint planning session of the Mayor, Council and members of the Planning and Zoning Boards was held. This meeting was a collaborative effort to ensure that Allendale was on the appropriate path to address our affordable housing obligations. The crucial third round substantive certification was awarded to Allendale on October 14, 2009. We were given credit for the equivalent of 137 units. We were one of only 6 municipalities in Bergen County to receive this certification.

On March 10, 2015, the Supreme Court basically dissolved COAH. The Supreme Court transferred the review and approval process for municipal housing plans to the NJ Superior Court, which served to negate the previously approved affordable housing plan. This action resulted in Allendale having to spend countless hours and thousands of dollars from our housing trust fund to defend our previously approved affordable housing plan and prevent the Borough from being targeted by lawsuits from those hoping to exploit the resulting turmoil. We have been working with our attorney and COAH planners, whom we retained as consultants, to ensure Allendale was protected by the Courts from lawsuits that enable builders to challenge municipalities to allow them to build high density housing with a minimum of 8 units per acre. A neighboring town is allowing 20 units per acre. This high density housing would strain the resources of our town, including water, schools and roads. And importantly, these units could alter the charm of the town we have come to know and love. In an effort to stave off potentially unreasonable housing demands from the NJ Superior Court, we have also joined a coalition of 250 other municipalities who retained Econsult Solutions, a public policy consulting firm, to provide more reasonable affordable housing numbers than those that have been proposed by the Fair Share Housing Center, ("FSHC"), an affordable housing advocacy group. In a report generated in 2015, the FSHC had proposed that Allendale's obligation should be to provide 406 affordable housing units. At numerous Council meetings this past year I have noted that the degree of time and funds from our housing trust required to address these issues over the last 12 months is abundantly wasteful and excessively punitive, especially since Allendale has been at the forefront of meeting our housing obligations. Our COAH planner has advised us that our affordable housing requirements going forward could be as high as 100 – 150 units once the courts make their determination. If we allow builders, who are only required to allocate approximately one of every 8 units constructed towards affordable housing, to provide for these units, there could be between 800 – 1200 units built in Allendale.

Tonight this Council is being asked to make a decision critical to preserving the fabric of our community, which is fundamentally a small town committed to conservation, both historic and environmental. Allendale finds itself at a crossroads with the ability to shape its destiny, or have others shape it for us. This is not the first time that we've been called upon to do so, and past Councils have prioritized the preservation and

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mindful development of such Allendale landmarks as Orchard Commons, Crestwood Lake, and the Celery Farm. I am encouraged and confident that the Council, as it has in the past, will do its best to ensure that development in Allendale will maximize the benefit to our community and minimize the risk of high density housing sites.

I propose that Allendale acquire property that would allow us to meet our affordable housing obligations, provide for open space for public recreation, as well as for municipal purposes and allow for orderly development.

Before proposing this to you I should tell you that the Finance committee has been in extended discussions with our CFO, Bond Council, Auditor, Planner, Tax Attorney, and Tax Assessor regarding the financial implications of moving forward with this project. It was the position our experts that Allendale has the financial ability to fund and move forward with the acquisition of these properties.

So, this evening, there is a resolution on the agenda which will allow our Attorney, Ray Wiss to being this process of effectuating the acquisition of 3 properties in Allendale. The acquisition of these properties will enable Allendale to do several things. Most importantly, it will help us meet our affordable housing obligations as well as attempt to develop these sites in a manner consistent with the charm that Allendale has embodied for the past 50 years. Additionally, it is our intention to provide housing for our seniors, special needs population and low and moderate income families at these locations. If the Council approves this resolution tonight, it will reflect a continuation of our long-standing commitment to proactively developing fair housing in a manner beneficial to all our residents while attempting to preserve the beauty and charm of Allendale for generations to come.”

Mayor White explained that Resolution #16-130 authorizes the acquisition of property and Resolution#16-131 appoints Ray Wiss, Borough Attorney, to represent Allendale in this acquisition.

Councilwoman Wilczynski advised that Allendale was faced with a builder’s remedy lawsuit approximately 20 years ago in which over 200 condos were built on 20 acres with only 29 units designated for affordable housing. She advised that she and Councilwoman Homan were a part of a group that attempted to fight this development and noted that this example demonstrates the effect that high density building would have on Allendale.

Councilman Strauch agreed with Councilwoman Wilczynski’s comments and expressed his opinion that this decision will be viewed as one of the key moments when the governing body saw the future and took control of its destiny.

Councilman Bernstein expressed his support of this decision. He commented that as a member of the Finance Committee, he has been a part of numerous meetings in which

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these issues were discussed and noted that this decision was not reached in a hasty manner.

Councilwoman McSwiggan noted that she has worked closely with the Mayor and the Borough Attorney to understand the COAH issue as it evolves and changes. She expressed her belief that it is important that the Borough plan for its obligation with an eye towards maintaining Allendale as the town that they want it to be while being compliant with the regulations that are being imposed.

Mayor White pointed out that in review of the 2010 Master Plan, these properties were mentioned several times as the perfect spot to address the issues outlined this evening.

Councilman Sasso expressed his support of the comments made by the Mayor and the governing body members. He expressed his frustration that only a short while ago Allendale was considered a model community for affordable housing.

Councilwoman Homan remarked that, as was mentioned, she worked with Councilwoman Wilczynski years ago which caused her to run for Council. She expressed that she is glad that they are making this decision which will allow Allendale to move in a positive direction.

B. Mayor's Report

This item was carried to the Regular Session.

C. Council Reports

This item was carried to the Regular Session. 2016 Crestwood Lake Salary Resolution

D. Staff Reports

This item was carried to the Regular Session.

E. Correspondence

There were no correspondence items.

Adjournment

There being no further business to come before the Mayor and Council, on a motion by Councilwoman McSwiggan, second by Councilwoman Wilczynski, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk