

Regular Session  
Mayor and Council  
August 14, 2014

A Regular Session Meeting of the Mayor and Council of the Borough of Allendale was held in the Municipal Building 500 West Crescent Avenue, Allendale, NJ on August 14, 2014. The meeting was called to order at 8:00 p.m. by Mayor Barra who announced that the requirements of the Open Public Meetings Act were met by the required posting and notices to publications.

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

The following individuals answered roll call: Councilmembers Bernstein, McSwiggan, Sasso, Strauch, White, Wilczynski and Mayor Barra. Absent - none. Also present were Mr. Valenzuela, Mr. Yakimik, Mrs. Mayer and Mr. Bole.

*Public Comment* – There was none.

*Public Hearing on Ordinance*

**Resolution 14-231: Ordinance 14-14**

**AN ORDINANCE TO AMEND CHAPTER 93 (“ANIMALS”), SECTION 7 OF THE CODE OF THE BOROUGH OF ALLENDALE ENTITLED “VIOLATIONS AND PENALTIES”**

**Be It Ordained** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey as follows:

**SECTION 1.**

Except as otherwise provided for in this article, any person who violates or who fails or refuses to comply with this article shall be liable for a penalty of \$250 for each offense.

**SECTION 2.**

All Ordinances or parts of Ordinances, which are inconsistent with the provisions of this amendatory Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.**

If any portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 4.**

This Ordinance shall take effect after final passage and publication as required by law.

Regular Session  
Mayor and Council  
August 14, 2014

*Public Comment* – There was none.

Councilman Strauch made a motion to adopt Resolution 14-231; Seconded by Councilman Sasso.

On Roll Call: Aye – Bernstein, McSwiggan, Sasso, Strauch, White, Wilczynski. Nays – None.

**Resolution 14-232: ORDINANCE 14-15**

**ORDINANCE TO AMEND AND SUPPLEMENT THE 2014 SALARY ORDINANCE, ORDINANCE 14-01 ENTITLED “AN ORDINANCE TO AMEND CHAPTER 53 OF THE CODE OF THE BOROUGH OF ALLENDALE TO FIX THE SALARIES, WAGES AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF ALLENDALE FOR THE YEAR 2014”**

**Whereas**, the 2014 Salary Ordinance was previously adopted; and

**Whereas**, certain amendments are necessary;

**Now Therefore, Be It Ordained**, by the Governing Body of the Borough of Allendale as follows:

<b><u>Title</u></b>	<b><u>Minimum</u></b>	<b><u>Maximum</u></b>
Zoning Official, Part Time	\$4,500	\$9,000
Property Maintenance Official/Part Time	\$2,000	\$9,000
Fire Sub Code Official/Part Time/Hourly	\$30.00	\$35.00

All other provisions of the 2014 Salary Ordinance not amended herein remain in full force and effect.

**SEVERABILITY**

If any portion of this ordinance is adjudged unconstitutional or invalid by the Court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

**REPEALER**

Regular Session  
Mayor and Council  
August 14, 2014

All other ordinances of the Borough, or parts thereof, which are in conflict with this ordinance are hereby repealed to the extent of such conflict.

**EFFECTIVE DATE**

This ordinance shall take effect upon passage and publication as required by law.

*Public Comment - none*

Councilwoman White made a motion to adopt Resolution 14-232; Seconded by Councilwoman Wilczynski.

On Roll Call: Aye – Bernstein, McSwiggan, Sasso, Strauch, White, Wilczynski. Nays – None.

*Public Comments on Agenda Items - none.*

**MAYOR'S APPOINTMENTS**

Mayor Barra made the following appointments:

Lee Memorial Library Trustees

Catherine Shaw has been appointed as Trustee to the Lee Memorial Public Library to fill the unexpired term of Laura Granger until December 31, 2015.

Melissa Begley-Gulberger has been appointed as Trustee to the Lee Memorial Public Library to fill unexpired term of Joy Kondo until December 31, 2014.

Brian Boyle has been appointed as the designee for the Superintendent of the Allendale Public School District Dr. Michael J. Barcadepone, Ed. D. for a term of twelve months from the date hereof.

**INTRODUCTION OF ORDINANCES**

**Resolution 14-233: ORDINANCE 14-16**

**Be It Resolved** that Ordinance 14-16, “**AN ORDINANCE TO AMEND AND SUPPLEMENT THE 2014 SALARY ORDINANCE, ORDINANCE 14-01 ENTITLED “AN ORDINANCE TO AMEND CHAPTER 53 OF THE CODE OF THE BOROUGH OF ALLENDALE TO FIX THE SALARIES, WAGES AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF ALLENDALE FOR THE YEAR 2014”**”

Regular Session  
Mayor and Council  
August 14, 2014

is introduced, and does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on August 28, 2014, at 8:00 p.m. or as soon thereafter, at Allendale Borough Hall, Council Chambers, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance.

Councilwoman White made a motion to adopt Resolution 14-233; Seconded by Councilman Sasso.

On Roll Call: Aye – Bernstein, McSwiggan, Sasso, Strauch, White, Wilczynski. Nays – None.

**Resolution 14-234: ORDINANCE 14-17**

**Be It Resolved** that Ordinance 14-17, “AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 262-27 OF THE CODE ENTITLED “WATER” is introduced, and does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on August 28, 2014, at 8:00 p.m. or as soon thereafter, at Allendale Borough Hall, Council Chambers, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance.

Councilwoman McSwiggan made a motion to adopt Resolution 14-234; Seconded by Councilman Strauch.

On Roll Call: Aye – Bernstein, McSwiggan, Sasso, Strauch, White, Wilczynski. Nays – None. .

*RESOLUTIONS*

**Resolution 14-235: Appointment of Police Sergeant**

**Be It Resolved** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that William Kroepke is hereby appointed as Sergeant of the Allendale Police Department effective September 1, 2014 at a salary of \$124,368.00 which shall be Pro-Rated as of September 1, 2014.

Councilman Bernstein made a motion to adopt Resolution 14-235; Seconded by Councilwoman Amy Wilczynski.

On Roll Call: Aye – Bernstein, McSwiggan, Sasso, Strauch, White, Wilczynski. Nays – None.

- The Mayor administered the Oath of Office.
- The Mayor and Council presented Chief Scherb with a donation to the Christopher Goodell scholarship fund in honor of Waldwick Police Officer Christopher Goodell.

*Consent Agenda*

**Resolution 14-236: Amended List of Bills**

**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 Amended Bill List dated August 14, 2014.

**Resolution 14-237: Approval of Corrective Action Plan**

**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 Municipal 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 2013 Audit Report submitted by the Chief Financial Officer.

**Resolution 14-238: MUNICIPALITIES CONTINUING DISCLOSURE COOPERATION INITIATIVE-SEC**

**RESOLUTION OF THE BOROUGH OF ALLENDALE DIRECTING THE UNDERTAKING OF A CONTINUING DISCLOSURE REVIEW AND AUTHORIZING PARTICIPATION IN THE MUNICIPALITIES CONTINUING DISCLOSURE COOPERATION INITIATIVE OF THE DIVISION OF ENFORCEMENT OF THE U.S. SECURITIES AND EXCHANGE COMMISSION**

**Whereas**, the Borough of Allendale (the “Governmental Entity”) has entered into continuing disclosure agreement(s) in connection with certain of its prior bond and/or note issuance(s) (the “Prior Issuances”), agreeing to file certain financial information and operating data and/or certain enumerated event notices with the former nationally recognized municipal securities information repositories or the Municipal Securities Rulemaking Board (the “MSRB”) pursuant to the provisions of Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (the “Rule”); and

Regular Session  
Mayor and Council  
August 14, 2014

**Whereas**, the Governmental Entity has made certain representations regarding its continuing disclosures in bond and/or note offering documents in connection with its Prior Issuances; and

**Whereas**, in response to widespread concerns that many municipal issuers have not been complying with their obligations to file continuing disclosure documents under the Rule, and furthermore have made false representations concerning compliance in bond and note offering documents, the Division of Enforcement (the “Division”) of the U.S. Securities and Exchange Commission (the “Commission”) has set forth its Municipalities Continuing Disclosure Cooperation Initiative (the “MCDC Initiative”), attached hereto as Exhibit A, whereby the Commission will recommend favorable settlement terms to municipal issuers involved in the offer or sale of municipal securities, as well as underwriters of such offerings, if they self-report to the Division, by 12:00 a.m. on September 10, 2014, possible violations involving materially inaccurate statements in bond and note offering documents relating to prior compliance with continuing disclosure obligations pursuant to the Rule; and

**Whereas**, pursuant to Local Finance Notice 2014-9, attached hereto as Exhibit B, the Director of the Local Finance Board, Division of Local Government Services of the Department of Community Affairs of the State of New Jersey, has recommended the undertaking of a Review (as hereinafter defined) by all municipal issuers and participation in the MCDC Initiative, where appropriate, as determined by the facts of each Review (the “LFB Recommendation”);

**NOW, THEREFORE, IN CONNECTION WITH THE LFB RECOMMENDATION, BE IT RESOLVED BY THE GOVERNMENTAL ENTITY**, as follows:

Section 1. The Governmental Entity, through its Chief Financial Officer or a third-party disclosure-dissemination agent, is hereby directed to conduct a continuing disclosure review of its prior continuing disclosure undertakings (the “Review”), and the Governmental Entity hereby ratifies any such previously conducted Review. Such Review shall include, but is not limited to, a historical review of the Governmental Entity’s continuing disclosure obligations and filings in connection with its Prior Issuances that are presently outstanding and which are no longer outstanding but, as of the date five years prior to the date of submission of the Questionnaire (as hereinafter defined), were outstanding; and the undertaking, at any time, of any applicable remedial filings with the MSRB deemed necessary for compliance with its continuing disclosure obligations.

Section 2. The Governmental Entity, through its Chief Financial Officer, is hereby authorized to participate in the MCDC Initiative, if in the discretion of the Chief Financial Officer after consultation with Governmental Entity officials, it is determined that the Governmental Entity may have made materially inaccurate statements in its bond and/or note offering documents relating to prior compliance with continuing disclosure obligations pursuant to the Rule in connection with its Prior Issuances issued during the period beginning five years prior to the date of submission of the Questionnaire.

Regular Session  
Mayor and Council  
August 14, 2014

Section 3. The Chief Financial Officer of the Governmental Entity is hereby authorized to execute and deliver any and all documents and instruments, including the Municipalities Continuing Disclosure Cooperation Initiative Questionnaire for Self-Reporting Entities contained in the MCDC Initiative (the "Questionnaire"), and to do and cause to be done any and all acts and things necessary or proper for participating in the MCDC Initiative and all related transactions, including the Review, contemplated by this resolution.

Section 4. All resolutions or proceedings, or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

Section 5. This resolution shall become effective in accordance with applicable law

**Resolution 14-239:                      Exemption of Direct Deposit Legislation for Municipal Prosecutor**

**Whereas**, the State of New Jersey recently adopted "Direct Deposit Legislation", N.J.S.A. 52:14-15f, et seq. ("Legislation") which became effective July 1, 2014; and

**Whereas**, pursuant to the legislation, the Borough adopted Ordinance No. 14-12 mandating direct deposit for municipal employees (as so defined); and

**Whereas**, pursuant to the legislation and ordinance, the Governing Body is authorized to grant an exemption from the direct deposit requirements on such terms and conditions as the Governing Body may deem necessary; and

**Whereas**, the position of Municipal Prosecutor is an annual appointment, part time in nature, and has been determined by the New Jersey Public Employment Retirement System to have the status of an independent contractor and not a Municipal employee;

**Now, Therefore, Be It Resolved**, by the Governing Body, for good cause, that it does hereby grant an exemption to the office of Municipal Prosecutor from the direct deposit requirements of the legislation and ordinance; and

**Be It Further Resolved**, that the Chief Financial Officer is authorized to take such steps as may be necessary to implement the foregoing resolution effective immediately.

**Resolution 14-240:                      Property Maintenance Tax Lien  
200 West Crescent Avenue**

Regular Session  
Mayor and Council  
August 14, 2014

**Whereas**, Chapter 199 of the Borough Code of Allendale, Property Maintenance, provides that if a property is not being maintained to the standards of the Property Maintenance Code, the Property Maintenance Officer may secure compliance; and,

**Whereas**, in the event that any person or entity refuses or neglects to abate, remove or resolve any violation after notice thereof, the Governing Body, by Resolution, may abate a nuisance as defined therein, correct a defect or put the premises in proper condition so as to comply with the requirements of the Code at the cost of the owner or lessor and may expend municipal funds for such purpose and charge the same against the premises; and,

**Whereas**, the Property Maintenance Officer has deemed that certain work was required to be performed since the person or entity, after proper notice thereof, neglected to abate, remove or resolve the violation; and,

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Allendale that the following work performed at 200 West Crescent Avenue, Allendale, New Jersey and expenditures incurred are authorized, ratified and confirmed:

	<u>Amount</u>	<u>Date</u>	<u>Work Description</u>
	\$66.00	05/29/14	Weekly Yard Maintenance
<b>TOTAL</b>	<b>\$66.00</b>		<b>PER ATTACHED INVOICE(S)</b>

**Be It Further Resolved** that the total expenditure of \$66.00 shall be certified by the Chief Financial Officer and filed with the Tax Collector and shall be charged to and become a lien against the premises, collectible as provided by law; and,

**Be It Further Resolved** that a true copy of this Resolution shall be sent by certified mail, return receipt requested to the owner of said premises.

**Resolution 14-241:**

**Amendment to Resolution 14-215 2014 Crestwood Lake Salary Resolution – Supplement Five**

**Whereas**, the Governing Body approved the salaries for substitute lifeguards for the Crestwood Lake Swim Club 2014 Season as follows:

<u>Substitute Lifeguards</u>	Hourly Rate
Kayla Corbett	\$ 8.50
Claire Westbrook	\$ 8.50

Regular Session  
Mayor and Council  
August 14, 2014

**Whereas**, it is necessary to amend the name of substitute lifeguard Claire Westbrook to her given and legal name of Emma Westbrook for the purpose of payroll, bookkeeping and reporting of wages to the appropriate taxing agencies;

**Now, Therefore, Be It Resolved** by the Governing Body that it does hereby amend Resolution 14-215, in part to clarify that Claire Westbrook is also to be known as Emma Westbrook.

**Be It Further Resolved** that all other provisions of Resolution 14-215, not amended herein, remain in full force and effect.

**Resolution 14-242: Change Order Number One 2014 Road Resurfacing  
D&L Paving Contractors, Inc.**

**Whereas**, the Engineer has requested that certain changes are needed in the 2014 Road Resurfacing contract, and

**Whereas**, a net increase of \$32,412.18 will result from the following items:

- Paving of a portion of MacIntyre Lane as an add-on to the project due to lower than expected bid prices, and;
- Actual quantities of work measured and performed.

**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 an increase of \$32,412.18 be approved for the 2014 Allendale Road Resurfacing Program. The original amount of \$315,653.79 has been increased by \$32,412.18, resulting in a new contract amount of \$348,065.97. A 10.3% increase in the original contracted amount.

**Resolution 14-243: Transfer of Mistaken Water Payment**

**Whereas**, Thomas J. Chisholm of 8 Carteret Road, Allendale, New Jersey inadvertently made payment of his tax bill to the water account in the amount of \$5,052.53.

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that the Water Collector is hereby authorized to issue a check or otherwise transfer \$5,052.53 from the Water Operating Account and apply the same amount to the owed property taxes at 8 Carteret Road, Allendale, New Jersey.

**Resolution 14-244: Transfer of Mistaken Water Payment**

**Whereas**, John C. Hodge of 12 Crescent Bend, Allendale, New Jersey inadvertently made payment of his tax bill to the water account in the amount of \$3,967.65.

Regular Session  
Mayor and Council  
August 14, 2014

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that the Water Collector is hereby authorized to issue a check or otherwise transfer \$3,967.65 from the Water Operating Account and apply the same amount to the owed property taxes at 12 Crescent Bend, Allendale, New Jersey.

Councilwoman White made a motion to adopt the Consent Agenda; Seconded by Councilwoman McSwiggan.

On Roll Call: Aye – Bernstein, McSwiggan, Sasso, Strauch, White, Wilczynski. Nays – None.

*Unfinished business* - none

*New business* - none

*Committee Reports and Comments*

- Councilwoman McSwiggan - Water, Sewer and Public Utilities - There will be a Water Committee meeting next week.
- Councilman Bernstein – Public Safety - We are trying to set up a special meeting, solely devoted to the water drainage issues. The meeting will be scheduled quickly because of the urgency of the matter.
- Councilman Strauch – Land Use and Construction Code –The new Construction Code Official, Kevin Burnette, is getting acclimated. Thursday morning meetings will begin again after Labor Day. The next Land Use meeting will be on Thursday August 28<sup>th</sup>.
- Councilwoman White – Administration, Finance and Human Resources – Franklin Turnpike between Cottage and East Allendale will be closed for up to six months. It will be difficult, but Ivers (the detour route) will be paved and ready before school starts. It is a Bergen County project, and we have been working with the county for over 10 years to make this happen. It is very necessary.

The annual compensation letters will be distributed to our employees this week. Lissa Mayer has done an outstanding job on putting these letters together.

Lissa Mayer is to be commended on the good job she has done which is reflected in the audit report and the minimal amount of comments.

- Councilwoman Wilczynski – Facilities, Parks and Recreation – The 9-11 Steel Memorial is going along very well. Part of the granite is being laid today. The engraving of the time line is going to start on Monday. The Steel is arriving sometime this week or next. The lights are on order. The upper pond is being “de-littered” and the waterfall towers will be working for the 9-11 ceremony.

Regular Session  
Mayor and Council  
August 14, 2014

Crestwood Lake – last band night will be this weekend.

- Mayor Barra announced to the public and press that the 9-11 Candlelight Vigil will be held on September 11<sup>th</sup> at 7:00 p.m. to dedicate the Steel Memorial. County Executive Kathleen Donovan will be the Guest of Honor.
- Councilman Sasso – The Public Works Committee meets a week from today, (August 21<sup>st</sup>). Hillside Avenue will be closed August 18<sup>th</sup> north of the High School by Linda Drive, for 24 hours. Facebook will be used for the High School and Swift Reach will be used to notify the neighbors.

*STAFF REPORTS*

- Mr. Bole - none
- Frank Valenzuela - We had an opportunity to visit Social Services.
- John Yakimik - none
- Lissa Mayer - none

*Public Comments*

- Mr. Savistano - Asked Councilwoman White to clarify the Hillside Avenue road closure. Councilwoman McSwiggan asked if there might be police assistance at the intersection, which Councilwoman White indicated was not in the budget. The county has denied a temporary traffic light.

*Adjournment*

On a motion by Councilwoman White, the Council voted unanimously to adjourn at the Regular session at 8:34 p.m.

Respectfully submitted,

Frank Valenzuela  
Acting Municipal Clerk