

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
August 25, 2016

PRESENT: Mayor Elizabeth White and Councilmembers Ari Bernstein, Jackie McSwiggan, and Amy Wilczynski

ABSENT: Councilmembers Liz Homan, Steve Sasso, and Jim Strauch

ALSO PRESENT: Borough Attorney Thomas Bouregy
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 August 25, 2016. The meeting was called to order at 8:02 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 Councilwoman Wilczynski, that the Minutes of August 11, 2016 Work Session, August 11, 2016 Regular Session, and August 11, 2016 Closed Executive Session (not to be released) are approved.

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

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

Public Comment

Michael Tatt, W. Allendale Avenue, questioned when the two trees that were removed on W. Allendale Avenue to the west of the clock would be replaced.

Mayor White advised that as most of the trees in the downtown area are in need of replacing, the Borough will be applying for a streetscape grant.

Introduction of Ordinances

Mayor White explained that, based upon proposed changes suggested by the Planning Board, it was determined that Ordinances 16-22 and 16-23 will need to be reintroduced as these revisions are considered substantive. She noted that an additional 35 days will need to be scheduled between introduction and adoption as these ordinances will, once again, need to be referred to the Planning Board to determine consistency with the Master Plan.

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Motion by Councilwoman McSwiggan that the following revised ordinances be introduced and passed on first reading and setting October 13, 2016 at 8:00 p.m. or as soon thereafter 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 Councilman Bernstein.

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

ORDINANCE 16-22 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, ZONING, CHAPTER 270

ORDINANCE 16-23 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE CHAPTER 270 OF THE CODE OF THE BOROUGH OF ALLENDALE ENTITLED “ZONING”, AND, MORE PARTICULARLY, SECTION 270-40 THEREOF, ENTITLED “OFF-STREET PARKING REQUIREMENTS”

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

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

(See Ordinances 16-22 and 16-23, attached and made a part hereof.)

Consent Agenda

- A. **16-223**/Approval of Bill List
- B. **16-224**/Authorize Purchase – Compactor & Receiving Container
- C. **16-225**/Waive Building Permit Fees – 146 W. Orchard Street
- D. **16-226**/Authorize Festival Day & Car Show – Chamber of Commerce
- E. **16-227**/Authorize Salaries – Crestwood Lake Swim Club 2016 Season
- F. **16-228**/Appoint Architectural Services Consultant – Conceptual Master Plan
- G. **16-229**/Authorize Refund – 2015 State Board Judgment
- H. **16-230**/Authorize Refunds – Intersection Improvements per Lease Agreements
- I. **16-231**/Authorize Refund – Overpayment of 2016 Taxes
- J. **16-232**/Amend Agreement – Borough of Allendale & Local No. 11, Affiliated with International Brotherhood of Teamsters
- K. **16-233**/Approve Amended Spending Plan
- L. **16-234**/Approve 2016 Salaries – UPSEU Employees
- M. **16-235**/Approve Retroactive Pay – Patricia Mullen

Motion by Councilman Bernstein, second by Councilwoman Wilczynski, that the Consent Agenda be approved.

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

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

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

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 Bill List dated August 25, 2016 in the amounts of:

Current Fund	\$1,926,016.30
General Capital	\$172.00
COAH/Housing Trust	\$125.00
Water Operating	\$52,104.41
Water Capital	\$0.00
Trust Fund	\$3,129.00
Payroll	\$174,125.76
Improvement & Beautification	\$500.00
Animal Fund	\$0.00
Unemployment Fund	\$0.00
Total	\$2,156,172.47

Authorize Purchase of Compactor & Receiving Container

Whereas, the Borough of Allendale wishes to purchase a new 4 cubic yard stationary compactor and receiving container; and

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

Whereas, the Chief Financial Officer has attached a Certification that adequate funds have been duly budgeted and appropriated to pay for the contract.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that a contract for the purchase of a PTR Baler & Compactor Model TP-4000 Four Cubic Yard, Stationary Compactor and Model TP-40 Forty Cubic Yard, Octagonal, Roll-Off, Compactor Receiver Container be awarded to BE Equipment, Inc., 1775 Wentz Road, P.O. Box 139, Quackertown, Pennsylvania 18951 in the amount of \$22,750.00.

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 contract or proposal with BE Equipment, Inc.

Waive Building Permit Fees

Whereas, the VFW is undertaking a project to build a ramp for a resident residing at 146 W. Orchard Street;

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Whereas, said resident is a veteran who lost his leg; and

Whereas, the VFW has requested that the building permit fees be waived as this project is being completed by volunteers with donated material.

Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that the municipal building permit fees for the project being completed at 146 W. Orchard Street are hereby waived.

Resolution 16-226

Allendale Festival Day and Car Show

Whereas, there is a request by the Allendale Chamber of Commerce to hold the Allendale Festival Day and Car Show on Saturday, October 1, 2016 from 7:00 a.m. to 6:00 p.m.; and

Whereas, West Allendale Avenue will be closed for this event from the town clock to DeMercurio Drive; and

Whereas, the event will also take place in the NJ Transit parking area; and

Whereas, the Chamber of Commerce will, after approval, coordinate the event with the Police Department, the Fire Department and the Department of Public Works.

Now, Therefore, Be It Resolved by the Mayor and Council that this request be and is hereby approved.

Resolution 16-227

2016 Crestwood Lake Salary Resolution – Supplement Six

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 hires the following individuals at the corresponding rates of pay for the Crestwood Lake Swim Club 2016 Season as follows:

Mark Cinotti	Sub Lifeguard	\$8.50 per hour
Caity Eufar	Sub Lifeguard	\$8.50 per hour
Zaina Jouejati	Sub Lifeguard	\$8.50 per hour
Arista Meneve	Sub Lifeguard	\$8.50 per hour

Resolution 16-228

Appointment of Z+ Architects, LLC

Whereas, the Borough of Allendale has a need to retain an architect to provide architectural services for the Conceptual Master Plan for the properties located at 220 West Crescent Avenue Block 1005, Lot 20 and 230 West Crescent Avenue Block 1005, Lot 3; and

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Whereas, it is not anticipated that the scope and cost of services will exceed Seventeen Thousand Five Hundred (\$17,500.00) Dollars; and

Whereas, Z + Architects of Allendale, New Jersey, has submitted a proposal dated August 15, 2016; and

Whereas, the Chief Financial Officer has attached hereto a certification that adequate funds have been or will be duly budgeted and appropriated to pay for the contract;

Now, Therefore, Be It Resolved by the Governing Body of the Borough of Allendale that Michael Scro of Z+ Architects of Allendale, New Jersey is hereby appointed as an Architectural Services Consultant; and

Be It Further Resolved that the fee for such services shall be in accordance with the proposal attached hereto; and

Be It Further Resolved that the services set forth herein shall not exceed the sum of \$6,700.00 unless further approved by resolution of the Governing Body, excluding reimbursable expenses, which shall be billed in addition to the base fee in accordance with the proposal aforesaid; and

Be It Further Resolved that the Mayor and Municipal Clerk are authorized to execute a contract or a proposal with Z+ Architects, LLC for the services to be rendered; and

Be It Further Resolved that the foregoing appointment is made without competitive bidding as a professional service, which is exempt from such requirements pursuant to law which do not involve "Pay to Play" requirements since the amount is under Seventeen Thousand Five Hundred (\$17,500.00) Dollars; and

Be It Further Resolved that a copy of this Resolution be filed with the Municipal Clerk and be made available for inspection.

Resolution 16-229

State Board Judgment

BE IT RESOLVED, by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to issue the following overpayment check due to a State Board Judgments for the tax year 2015:

Block/Lot	Name	Amount
<u>2015</u>		
1304/17	Spiotti & Esposito, P.C.- Attorney Trust Account 271 U.S. Highway 46 Suite F105-106 Fairfield, NJ 07004-2471	\$6,667.65

REFUNDS PER LEASE AGREEMENTS

BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that the Chief Financial Officer is hereby authorized to issue the following checks in connection with the Lease Agreements pertaining to Intersection Improvements of Hillside and West Crescent Avenue as follows:

Block 1604 Lot 17 Merchant, John and Teresa	\$539.30
Block 1001 Lot 1 Thompson, James H. and Frances	\$520.52

OVERPAYMENT

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 2016 Taxes:

Block/ Lot Name	Property Location	Amount
301/44	Kensington Vanguard Attn: C. Rodriguez-Escrow 39 W 37 th Street, 3 rd floor New York, NY 10018	84 Farley Place \$4,992.79

Approval of Amendment to Agreement Between the Borough of Allendale and Local No. 11, Affiliated with International Brotherhood of Teamsters

WHEREAS, the Borough of Allendale (“Allendale”) and the Local No. 11, Affiliated with International Brotherhood of Teamsters (“Teamsters”) have previously entered into a Collective Bargaining Agreement for the period of January 1, 2016 through December 31, 2019 (“CBA”); and

WHEREAS, Allendale and the Teamsters have agreed to amend in its entirety Article XXI(D) regarding uniforms and safety equipment to provide as follows:

The Borough agrees to provide a uniform allowance of \$700.00 for uniforms and \$200.00 for safety boots for all full time employees annually less applicable taxes. This allowance will be paid in 2016 by September 15th, and the allowance of \$900 will be paid by June 1st of 2017, 2018, 2019. The Borough will purchase uniforms for part time employees including one pair of safety boots. All uniforms will then be cleaned, maintained and kept in satisfactory condition by each individual DPW

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employee. Uniforms and boots must be purchased at a Borough approved vendor. Any purchases made by the Borough prior to this amendment being formalized will be absorbed by the Borough. If an employee is terminated or resigns for any reason over the course of the year, this allowance will be prorated and deducted for any salary due the employee. Additionally, if a new employee is hired after Jan 1st, the amount of the annual allowance due that employee shall be reduced accordingly.

It will be the Director of Operations' decision whether or not an employee's clothing appearance requires improvement.

Allendale and the Teamsters have also agreed to amend in its entirety the **Schedule "A"** referenced in Article X regarding Salary and Wages to correctly reflect the agreed upon annual salaries.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that the foregoing amendment be and hereby is **APPROVED**:

BE IT FURTHER RESOLVED, that the Mayor, the Borough Administrator and the Borough Attorney are authorized to take all appropriate actions so as to implement this Resolution, including but not limited to the preparation and execution of a written amendment to the CBA memorializing such amendment.

Resolution 16-233

WHEREAS, the Borough of Allendale (the "Borough") has previously established an affordable housing trust fund (the "trust fund") as a dedicated source for affordable housing pursuant to the Mt. Laurel series of court decisions and the Council on Affordable Housing ("COAH"); and

WHEREAS, on October 5, 2009, COAH approved the Borough's third round spending plan; and

WHEREAS, on April 15, 2010, the Borough adopted an amendment to its COAH-approved third round spending plan which amended spending plan was approved by COAH on October 6, 2010; and

WHEREAS, at this time, the trust fund has a current balance of approximately \$425,000 and the Borough desires to expend an estimated \$50,000 of such balance toward fulfilling its affordable housing obligations as set forth in the amended/updated spending plan dated on or about August 18, 2016 prepared by the Borough's consultants, Clarke Caton Hintz (the "second amended spending plan"); and

WHEREAS, COAH's rules at *N.J.A.C. 5:97-8.11* "Consideration for Mechanisms not in the Adopted Fair Share Plan" anticipate municipalities funding such emergent affordable housing opportunities and, although COAH's third round rules were invalidated, these rules provide the best guidance for municipalities desiring to continue to address their fair share obligations. Thus, these rules are as follows:

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- (a) A municipality may request authorization for expenditure of affordable housing trust funds on emergent affordable housing mechanisms not included in the municipal Fair Share Plan, in the form of an amendment to the spending plan.
- (b) In addition to the requirements for approval of a spending plan or amendment to an approved spending plan set forth at *N.J.A.C. 5:96-5*, the resolution submitted by the municipality shall include a certification that the affordable housing opportunity addresses the Council's [COAH's] criteria set forth in *N.J.A.C. 5:97-6*, and the municipality shall submit information regarding the proposed mechanism in a format to be provided by the Council.
- (c) The municipality shall submit an amendment to its Fair Share Plan to include the mechanism at the earlier of two years after the Council's [COAH's] approval of the spending plan amendment or the next planned amendment to the Fair Share Plan resulting from plan evaluation pursuant to *N.J.A.C. 5:96-10*.
- (d) The municipality shall submit monitoring pursuant to *N.J.A.C. 5:96-11* relating to the affordable units created using affordable housing trust funds; and

WHEREAS, the governing body hereby adopts the second amended spending plan; and

WHEREAS, the Borough, in this resolution, desires to request the approval of the Superior Court of New Jersey of the second amended spending plan prior to spending of funds pursuant to the amended spending plan.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, that the Borough hereby requests that the Superior Court of New Jersey, Bergen County, review and approve the second amending spending plan; and

BE IT FURTHER RESOLVED that the Borough's proposed emergent affordable housing opportunity for a group home for developmentally disabled adults addresses COAH's criteria set forth in *N.J.A.C. 5:93-5.3* and *5.8*. See attached Second Amended Spending Plan, dated August 18, 2016; and

BE IT FURTHER RESOLVED that the Borough of Allendale shall submit an amendment to its Fair Share Plan to include the new affordable housing opportunity outlined in the second amended spending plan and accompanying certification at the earlier of two years after the Court's approval of the second amended spending plan or the next planned amendment to the Fair Share Plan; and

BE IT FURTHER RESOLVED that the Borough of Allendale shall submit monitoring reports relating to the use of trust funds to create affordable housing units through the mechanism described in the second amended spending plan and accompanying certification; and

BE IT FURTHER RESOLVED, that the Mayor, Borough Clerk and Borough Attorney be and hereby are directed to take all necessary and desirable actions to submit and present the second amended spending plan, which has hereby been approved by the Borough, to the Superior Court of New Jersey, Bergen County, for the review and approval of said Court.

SALARY RESOLUTION

Be It Resolved that the following are the salaries for Borough employees for the year 2016. All salaries are retroactive to January 1, 2016.

Jean Manus, Board of Health/Registrar/Tax Assessor Clerk	\$47,096
Alice Palmer, Bookkeeper	\$59,693
Nancy Donnelly, Tax/Finance Clerk	\$52,038
Diana Bradley, Administrative Secretary, Police	\$35,700
Michael, Schell, Radio Police Dispatcher, Full-time	\$34,000
Anthony Iacovo, Radio Police Dispatcher, Full-time	\$35,106
Shafeq Zariff, Radio Police Dispatcher, Full-time	\$34,000
Ryan Berger, Radio Police Dispatcher, Full-time	\$34,000
Melissa Daly, Technical Assistant to Borough Engineer, P/T Hourly	\$26.01
Stephanie Geisler, Building Department Technical Assistant, P/T Hourly	\$25.00
Diane Vander Wende, Administrative Assistant, P/T Hourly	\$19.38
Tyler Yaccarino, Clerk Typist, P/T Hourly	\$15.00
Tatiana Marquis, DPW Clerk, P/T Hourly	\$19.38

Approval of Retroactive Pay

Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that retroactive pay be and is hereby approved for Patricia Mullen in the total amount of \$328.71.

Unfinished Business:

There was no unfinished business

New Business:

There was no new business

Council Committee Reports and Comments

This agenda item was addressed during the Work Session.

Staff Reports:

This agenda item was addressed during the Work Session.

Public Comment on any issue:

No one came forward.

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Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilman Bernstein, second by Councilwoman Wilczynski, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:09 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk