

Regular Session
Mayor and Council
December 12, 2013

A regular meeting of the Borough Council was held in the Municipal Building on December 12, 2013. The meeting was called to order at 8:25 p.m. by Mayor 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: Mrs. LaMonica Mrs. McSwiggan, Mrs. White, Mrs. Wilczynski and Mayor Barra. Mr. Bernstein and Mr. Strauch were absent. Also present were Mrs. McCarthy, Mr. Casais, Mr. Bole, and Mr. Sasso.

Approval of Minutes

Councilwoman White made a motion to approve the minutes of the Work, Regular, and Executive Session minutes of November 14, 2013 and November 25, 2013. Councilwoman LaMonica seconded the motion.

On roll call - Yeas: McSwiggan, White, LaMonica, Wilczynski. Nays: None.
Motion carried.

Public Hearing for Advertised Ordinances

ORDINANCE 13-17
AN ORDINANCE TO AMEND CHAPTER 67 OF THE CODE
“SALARIES AND COMPENSATION”

BE IT ORDAINED by the Governing Body of the Borough of Allendale, County of Bergen and State of New Jersey as follows: Ordinance 13-14 adopted July 25, 2013 is hereby amended as follows:

POSITION MINIMUM MAXIMUM

Building Department Technical Assistant \$16.00/hr \$22.00/hr

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

All other ordinance of the Borough, or parts thereof, which are in conflict with this ordinance are hereby repealed to the extent of such conflict.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 provided, however, that this ordinance is intended to be retroactive to September 24, 2013.

Mrs. McCarthy read the following resolution into the record:

Resolution 13-408: Adoption of Ordinance 13-17

Be It Resolved that an Ordinance entitled 13-17, “An Ordinance to Amend Chapter 67 of the Code of the Borough of Allendale Entitled ‘Salaries and Compensation’ ” be passed upon second and final reading and that the Borough Clerk be and is hereby authorized and directed to advertise the same according to law.

Mayor Barra opened the meeting for public comment on Ordinance 13-408.

There being no one wishing to speak Mayor Barra closed the public comment on Ordinance 13-408 without objection.

Mrs. LaMonica made a motion to approve Resolution 13-408 and adopt Ordinance 13-17, seconded by Mrs. Wilczynski.

On Roll Call - Yeas: White, LaMonica, Wilczynski, McSwiggan. Nays: None.
Motion Carried.

Public Comment

Mayor Barra opening the meeting to public comment on any agenda items.

There being no one wishing to speak Mayor Barra closed the public comment without objection.

Resolutions

None

Consent Agenda

Resolution 13-409

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 December 12, 2013.

Resolution 13-410

Whereas, the tax payers, Wayne Nash and Kathy Ross appealed the assessment levied on Block 1702, Lot 28 for the years 2012 and 2013; and

Whereas, the subject property is located at 50 Dale Avenue; and

Whereas, the Plaintiffs were represented by counsel in this matter and also retained an expert appraiser who provided a report; and

Whereas, the Borough’s expert appraiser inspected the property and also issued a report; and

Whereas, the appraiser and the assessor have agreed to compromise the appeal on the following terms: a reduction in the 2012 and 2013 assessment on the property from \$1,276,600 to \$1,150,000; and

Whereas, there are sufficient funds available in the reserve for tax appeals account to satisfy the tax refund; and

Whereas, the assessor is of the opinion that the valuation of the subject property is consistent with true value of the property.

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

The proposed settlement for the tax appeal encaptioned Nash-Ross v. Borough of Allendale as hereinbefore set forth is approved and the Borough Tax Attorney or a member of his firm is authorized to execute all documents necessary to effectuate its terms.

Resolution 13-411

WHEREAS, the tax payers, Martin and Susan Bygrave appealed the assessment levied on Block 2204, Lot 4 for the years 2012 and 2013; and

WHEREAS, the subject property is located at 323 Park Avenue; and

WHEREAS, the Plaintiffs were represented by counsel in this matter and also retained an expert appraiser who provided a report; and

WHEREAS, the Borough's expert appraiser inspected the property and also issued a preliminary report; and

WHEREAS, the appraiser and the assessor have agreed to compromise the appeal on the following terms: Plaintiff will withdraw the 2012 appeal and the 2013 assessment on the property will be reduced \$577,800 to \$552,800; and

WHEREAS, there are sufficient funds available in the reserve for tax appeals account to satisfy the tax refund; and

WHEREAS, the assessor is of the opinion that the valuation of the subject property is consistent with true value of the property.

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

The proposed settlement for the tax appeal encaptioned Bygrave v. Borough of Allendale as hereinbefore set forth is approved and the Borough Tax Attorney or a member of his firm is authorized to execute all documents necessary to effectuate its terms.

Resolution 13-412

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 donation of two Luau tickets to the Allendale Foundation for Educational Excellence.

Resolution 13-413

Whereas, The Governing Body adopted Resolution 13-408 on November 25, 2013 involving the appointment of Municipal Clerk/Administrative Officer (“the resolution”); and

Whereas, it is necessary to amend, in part, the resolution;

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale that the last paragraph of the resolution is deleted and the following is substituted in lieu thereof:

Be It Further Resolved that Andrew Casais will commence his position as Municipal Clerk on January 1, 2014, however, his employment with the Borough will officially commence on December 2, 2013 and he will be paid based upon his 2014 annual salary of \$62,000.00 pro rata from December 2, 2013 until December 31, 2013; and

Be It Further Resolved that this resolution is intended to be retroactive to December 2, 2013; and

Be It Further Resolved that all other provisions of the resolution not amended herein remain in full force and effect.

Resolution 13-414

Be It Resolved, by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to reduce the 2013 tax levy and issue the following overpayment checks due to County Board Judgments for the Tax Year 2013:

Block/Lot	Name	Property Location	Amount
410/4	Cusack, Joseph & Bernadette	419 Canterbury Dr	\$968.73
701/31	Natale, John & D’Arcy	51 Heather Ct	\$601.04
1102/11	Chewcaskie, Brian & Ellen	115 Fox Dr	\$1,326.99
1901/8	Cellary, Christopher & Patricia	125 E Orchard St	\$2,616.27
TOTAL			\$5,513.03

Resolution 13-415

Now, Therefore, Be It Resolved that the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby authorizes the Mayor and Municipal Clerk to sign an Interlocal Court Agreement with the Borough of Ho-Ho-Kus.

Resolution 13-416

Whereas, the following Current Operating Fund budget appropriation balance remains unexpended:

Northwest Bergen Sewer Authority Sewer Charges \$199,608

Whereas, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Surplus;

Now, Therefore, Be It Resolved by the Council of the Borough of Allendale, that the above listed balances of the Current Operating Fund are hereby canceled.

Resolution 13-417

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 84 East Crescent Avenue, Allendale, New Jersey and expenditures incurred are authorized, ratified and confirmed:

<u>Amount</u>	<u>Date</u>	<u>Work Description</u>
\$315.92	10/04/13	As per attached invoice

Be It Further Resolved that the total expenditure of \$315.92 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 13-418

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 Raffle License #393 as follows:

Ho-Ho-Kus Volunteer Fire Department
May 3, 2014
Off Premises Draw Raffle for Merchandise
Guardian Angel Church
Proceeds will be used for Scholarships and Charitable Donations

Resolution 13-419

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 Raffle License #394 as follows:

Ho-Ho-Kus Volunteer Fire Department
May 3, 2014
On Premises 50/50 Raffle
Guardian Angel Church
Proceeds will be used for Scholarships and Charitable Donations

Resolution 13-420

Be It Resolved by the Governing Body that a recycling agreement is hereby authorized between the Borough and Green Sky Industries, Inc. for a term of three years commencing January 1, 2014 through December 31, 2016 in accordance with the form of agreement currently on file in the office of the Municipal Clerk;

Be It Resolved that this contract is exempt from public bidding pursuant to N.J.S.A. 40A:11-5(S) and the term of same is further authorized pursuant to N.J. 40A:11-15(3);

Be It Resolved that the Mayor and Municipal Clerk are hereby authorized to sign such Recycling Agreement following legal review.

Resolution 13-421

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that the following individuals be appointed as Seasonal Employees:

Name	Department	Appointment Date	Salary
Joe Burns	Public Works	December 20, 2013	\$11.75/hour
Stephen Brown	Public Works	December 20, 2013	\$10.00/hour

With no members of Council wishing to remove any items from the consent agenda Councilwoman White made a motion to approve Resolutions 13-409 through and including 13-421. The motion was seconded by Councilwoman LaMonica.

On Roll Call – Yeas: LaMonica, Wilczynski, McSwiggan, White. Nays: None.
Motion Carried.

Unfinished Business

None

New Business

None

Committee Reports and Comments

Councilwoman McSwiggan

- The Water/Sewer Committee met today. The switch to United Water has generally been a smooth process and the Committee is working on some small issues with customer service.
- Sump Pump inspections continue to be scheduled and completed. Additional letters are being sent to those homes that have not yet responded to requests to schedule an inspection.

Councilwoman White

- Reminded residents that leaves and piles need to be removed from storm drain openings
- Stated that she is excited about the new recycling calendar that is being mailed out to Borough households. The calendar contains a lot of great information, and with the new, clean, easy to read design she stated that she is hopeful residents will become more informed about recycling

Councilwoman LaMonica

- No Report

Councilwoman Wilczynski

- Stated that she attended the Holiday Walk on Friday, December 6th. Although the weather did not cooperate there was a great turnout with all considered
- The holiday tree lighting has been an Allendale tradition for 34 years with the same family taking part in organizing the lighting the tree each year

Mayor Barra

- Stated that he attended the Menorah lighting at Borough Hall and it was a very nice event. While the attendance was down from 2012 by about half, most that did attend the 2013 ceremony were Allendale residents

Staff Reports

Borough Attorney, Mr. Bole

- Wished Happy Holidays to everyone; had no other report

Borough Clerk, Mrs. McCarthy and Mr. Casais

- Mrs. McCarthy stated that she and Mr. Casais had been spending a lot of time together over the last two weeks and that she is confident he will be ready to begin on January 2nd
- Mr. Casais stated that he has spent a lot of time preparing things for the reorganization meeting and will continue forward items to Council for review

Public Comment

Mayor Barra opened the meeting for public comment on general matters

There being no one wishing to speak Mayor Barra closed the public comment without objection

Adjournment

On a motion by Mrs. White, seconded by Ms. Wilczynski, the Council voted unanimously to adjourn at 8:35 p.m.

Respectfully submitted,

Gwen McCarthy
Municipal Clerk