

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
December 8, 2016

PRESENT: Mayor Elizabeth White and Councilmembers 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 December 8, 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 Councilman Strauch, second by Councilman Sasso, that the Minutes of November 10, 2016 Work Session and November 10, 2016 Regular Session are 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

Public Comment

Kathleen Sullivan, 184 Myrtle Avenue, inquired whether discussion of the purchase of 220 and 230 W. Crescent Avenue has taken place in public prior to this evening. She also questioned the status of the two remaining properties, expressing concern over the possibility of these properties being involved in a builder's remedy lawsuit down the line due to zoning changes that may take place. She requested information on the plans for open space with respect to this property.

Mayor White advised that she had given a speech at the April 7th meeting regarding this acquisition. She explained that the other two properties are both owned by Borst and are not a part of this acquisition.

Borough Attorney Wiss advised that there would be no preclusion against a major development if it was the result of a builder's remedy lawsuit regardless of the zoning changes that will be made. He noted that this acquisition may mitigate against this possibility as there will be less property available for a major development.

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In terms of open space, Mayor White explained that there are 2.5 acres of wetlands and they are planning to apply for funding through the Open Space Trust Fund to use this land for recreational purposes and open space.

Consent Agenda

- A. **16-277**/Approval of Bill List
- B. **16-278**/Authorize Budget Transfers
- C. **16-279**/Authorize Refund – Overpayment of 2016 Taxes
- D. **16-280**/Authorize Cancellation of Taxes – 2016 Uncollectible Taxes
- E. **16-281**/Approve Tax Appeal Settlement – Mirante v. Borough of Allendale
- F. **16-282**/Authorize Release of Escrow & Cash Guaranty – Trinity Episcopal Church
- G. **16-283**/Approve Municipal Court Administrator Interlocal Service Agreement – Borough of Ho-Ho-Kus
- H. **16-284**/Oppose Pilgrim Pipeline
- I. **16-285**/Schedule 2017 Reorganization Meeting
- J. **16-286**/Amend Term Expiration – Planning Board Alternate No. 2
- K. **16-287**/Appoint Hourly Seasonal Intern – Davis
- L. **16-288**/Authorize Refunds – 2015 & 2016 State Board Judgments
- M. **16-289**/Award Contract – Fairhaven Booster Station Improvements
- N. **16-290**/Authorize Change Order No. 2 – 2016 Road Resurfacing Program
- O. **16-291**/Approve Person-to-Person Transfer of Plenary Retail Distribution License #0201-44-005-004 to Acme Markets, Inc. t/a Acme
- P. **16-292**/Authorize Renewal of Plenary Retail Distribution License – 2016-2017 Term
- Q. **16-293**/Authorize Contract - Workplace Alcohol & Drug Testing

Motion by Councilman Strauch, second by Councilwoman McSwiggan, 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:	aye
Councilwoman Homan:	aye	Councilman Strauch:	aye
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	aye

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

Resolution 16-277

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 December 8, 2016 in the amounts of:

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Current Fund	\$1,521,353.01
General Capital	\$9,160.07
COAH/Housing Trust	\$972.87
Water Operating	\$209,819.64
Water Capital	\$30,130.84
Trust Fund	\$8,147.33
Payroll	\$400,052.81
Improvement & Beautifica	\$0.00
Animal Fund	\$5.40
Unemployment Fund	\$0.00
Total	\$2,179,641.97

Resolution 16-278

BUDGET TRANSFERS

WHEREAS, Budget Transfers are permitted during the last two months of the current year and the first three months of the following year;

NOW THEREFORE, BE IT RESOLVED, BY THE Mayor & Council of the Borough of Allendale that the following transfers be made between the 2016 Budget Appropriations:

DEPARTMENT	ACCOUNT NUMBER	FROM	TO
Health Benefits	6-01-23-220-227	\$2,600	
H.B. Waiver	6-01-23-221-000		\$2,600
Totals		\$2,600	\$2,600

Resolution 16-279

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
2101/1.207 Investors Bank Investors Bank Operations Center 101 Wood Avenue South Iselin, NJ 08830	207 Whitney Lane	\$2,787.19

Resolution 16-275

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
2008/2	Columbia Bank Attn: Rose Mary Belen 19-01 Route 208 North Fair Lawn, NJ 07410	95 Midwood Avenue	\$2,747.88

Resolution 16-280

UNCOLLECTIBLE PROPERTIES

BE IT RESOLVED, by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to cancel the taxes owed on the following list of uncollectible properties for 2016. The properties are as follows:

BLOCK / LOT	ADDRESS	AMOUNT
301 / 45	Rear Farley Place	\$201.61
2204 / 15	New Street	\$ 34.37

Resolution 16-281

Approval of Tax Appeal Alexander & Lisa Mirante v. Allendale

WHEREAS, the tax payers, Alexander & Lisa Mirante, appealed the assessment levied on the residential property he owned for the tax years 2015 & 2016; and

WHEREAS, the subject property is located at 28 Linda Drive (Block 1206, Lot 15); and

WHEREAS, the Plaintiff was represented by counsel in this matter; and

WHEREAS, the assessor and appraiser reviewed the appraisal reports submitted by Plaintiff and other data on this property and determined that an adjustment for 2016 was warranted; and

WHEREAS, the parties have agreed to compromise the appeal on the following terms: the assessment for the 2015 tax year has been withdrawn; for 2016 the assessment shall be reduced from \$1,083,200 to \$1,025,000; and

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

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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 Mirante 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 16-282

Release of Escrow & Cash Guaranty

Whereas, the applicant, Trinity Episcopal Church, with an address at 55 George Street, Block 1604, Lot 15 in the Borough of Allendale, County of Bergen, State of New Jersey has requested a bond release; and

Whereas, Borough Engineer issued a memo dated November 28, 2016 which has also been reviewed by the Chief Financial Officer regarding Trinity Episcopal Church’s plan entitled “Final AsBuilt Survey of, Tax Lot Lot 15 – Block 1604, Borough of Allendale, Bergen County, New Jersey”; and

Whereas, the Borough Engineer had previously issued a memo dated March 24, 2016 relating to the applicant’s bond release request and the aforementioned plan and made comments; and

Whereas, the Chief Financial Officer of the Borough of Allendale reports the following accounts posted with the Borough for this application:

Church of the Epiphany Legal & Engineering Escrow	\$530.00
Trinity Church Legal & Engineering Escrow	\$6,286.70
Cash Guaranty	\$6,349.00

Whereas, the Borough Engineer has reviewed the project file and performed a follow up visit on November 21, 2016 and found that the applicant has addressed all previous comments; and

Whereas, the Borough Engineer has no objection to releasing the Cash Guaranty and Church of the Epiphany Legal and Engineering Escrow as requested by applicant; and

Whereas, the Trinity Church Legal and Engineering Escrow will remain in place until final invoices are processed; and

Whereas, the Governing Body has reviewed the memo, a copy of which is attached hereto and incorporated herein;

Now, Therefore, Be It Resolved by the Governing Body that the Church of the Epiphany Legal & Engineering Escrow in the amount of \$530.00 and the Cash Guaranty in the amount of \$6,349.00 be released to Trinity Episcopal Church at this time.

Resolution 16-283

Approval of Interlocal Court Agreement &
Authorization for Mayor to Sign
Interlocal Service Agreement

Whereas, there is a need for a Municipal Court Administrator in the Borough of Allendale; and

Whereas, N.J.S.A. 40:8-A-1 et seq., the Interlocal Services Act, authorizes agreements between municipalities for the provision of services by one to the other; and

Whereas, N.J.S.A. 2B-12-1c authorizes two or more municipalities to provide jointly for supplies and employees for their municipal courts without establishing a joint municipal court; and

Whereas, the Borough of Allendale seeks the services of a Municipal Court Administrator through the Municipal Court of Ho-Ho-Kus as set forth in the Interlocal Service Agreement; and

Whereas, the Chief Financial Officer has certified that sufficient funds will be available in the 2017 budget for this contract as set forth in the Interlocal Service Agreement;

Now, Therefore, Be It Resolved that the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, approve the Interlocal Service Agreement for Municipal Court Administrator services effective January 1, 2017 through December 31, 2017; and

Be It Further Resolved that the Mayor and Municipal Clerk be and are hereby authorized to sign said contract.

Resolution 16-284

WHEREAS, Pilgrim Pipeline Company (“Pilgrim”) is proposing to build a new bi-directional pipeline (“pipeline”) with one pipeline that would transport crude oil southbound, and a second pipeline carrying refined petroleum products northbound, between Albany, New York and Linden, New Jersey; and

WHEREAS, the pipeline will carry oil extracted from North Dakota’s Bakken shale through the process of hydraulic fracturing or fracking; and

WHEREAS, in 2014 the *Wall Street Journal* compared oil from 86 locations around the world and found Bakken crude oil to be the most explosive; and

WHEREAS, according to Public Employees for Environmental Responsibility, the Pipeline and Hazardous Materials Administration (PHMSA) only has 135 inspectors to oversee 2.6 million miles of pipeline, and only a fifth of that pipeline system has been inspected by PHMSA or its state partners since 2006; and

WHEREAS, the pipeline would traverse Bergen County towns including Mahwah, Franklin Lakes and Oakland and possibly affect the Borough of Allendale; and

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WHEREAS, pipelines spill more oil, due to explosions and leaks, than all the other modes of transport combined because, while incidents on pipelines may be less frequent, they are far more significant due to the volume of oil being transported; and

WHEREAS, the project poses a major hazard due to the nature and volume of the highly flammable oil flowing through the pipeline, and due to its proposed route, which crosses through residential neighborhoods. These communities will be in the “impact radius” should an explosion and or spill occur; and

WHEREAS, such a pipeline explosion could harm hundreds of people, and negatively affect the health, safety and welfare of the citizens who live near the pipeline route and the first responders who would be called from neighboring municipalities to assist; and

WHEREAS, the state has the authority to direct the Borough of Allendale to supplement the water supply of towns affected by any pipeline disaster, and therefore its resources would be negatively impacted for years to come, in the event that neighboring towns in Bergen County experienced a water supply crisis as a result of a pipeline disaster; and

WHEREAS, the wise stewardship of our natural resources involves protection of all of the Borough of Allendale’s water supplies and other natural resources for generations to come; and

WHEREAS, protection of the Borough of Allendale’s water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restore degraded environments after the fact; and

WHEREAS, the pipeline would also traverse the New Jersey Highlands region; and

WHEREAS, the New Jersey Legislature has afforded special protection to the Highlands region via the New Jersey Highlands Water Protection and Planning Act of 2004 because the region supplies drinking water to 5.4 million state residents; and

WHEREAS, the United States Congress has also recognized “the importance of the water, forest, agricultural, wildlife, recreational, and cultural resources of the Highlands region, and the national significance of the Highlands region to the United States” via the Highlands Conservation Act of 2004.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Allendale in the County of Bergen, the following recitals are incorporated as of December 8, 2016:

- 1- The Council opposes the proposed Pilgrim Pipeline.
- 2- The Council calls for a moratorium on any and all planning, proposal, surveying, or construction of the Pilgrim pipeline.
- 3- Because this project will traverse and negatively impact numerous significant natural areas, and could negatively impact Borough resources and the Highlands region, the Council requests a full environmental review, including a Highlands Act review, be conducted by the DEP to assess the myriad environmental consequences of the project.
- 4- The Council seeks the cooperation of other similarly located and affected townships, asking that all nearby affected towns adopt a similar resolution.

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5- The Council adopts, and calls upon similarly situated municipalities to adopt, a resolution authorizing each town to join together to enter their appearance in any proceeding before the New Jersey Department of Environmental Protection, New Jersey Board of Public Utilities, and any other regulatory authority, so that by their strength of numbers they may successfully oppose the Pilgrim Pipeline project and have the ability to cause the relocation or termination of the project so as to prevent environmental degradation and to protect the public health and safety.

Resolution 16-285

BE IT RESOLVED that the 2017 Reorganization Meeting will be scheduled for Thursday, January 5, 2017 at 7:30 p.m. in Council Chambers of the Municipal Building located at 500 West Crescent Avenue, Allendale, NJ 07401.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to The Record, Star Ledger, and Ridgewood News, as well as be posted on the Borough Hall Bulletin Board and Borough Website.

Resolution 16-286

Amend Planning Board Alternate No. 2 Term Expiration

Whereas, Matt O'Toole was appointed to the Planning Board as Alternate No. 2 via Resolution #16-207; and

Whereas, said the term expiration for said appointment was specified as December 31, 2017 in error.

Now, Therefore, Be It Resolved that the term expiration for Matt O'Toole as Alternate No. 2 to the Planning Board is hereby amended to December 31, 2016.

Resolution 16-287

Appointment of an Hourly Seasonal Intern

Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that Elizabeth Davis be appointed as an hourly, part-time, seasonal intern effective December 15, 2016 at a rate of \$14.00 per hour.

Resolution 16-288

State Tax Board Judgment

BE IT RESOLVED, by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to reduce the 2016 tax levy and issue the following overpayment check due to State Board Judgments for the Tax Years 2015 & 2016:

Block/Lot	Name	Property Location	Amount
2015			

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1808/12 Bruce J. Stavitsky, Esq. for 385 Franklin Turnpike \$2,245.00
418 Main Street Associates LLC
350 Passaic Avenue
Fairfield, NJ 07004

2016

1808/12 Bruce J. Stavitsky, Esq. for 385 Franklin Turnpike \$2,291.00
418 Main Street Associates LLC
350 Passaic Avenue
Fairfield, NJ 07004

Resolution 16-289

Award Contract for Fairhaven Booster Station Improvements Project

Whereas, five (5) sealed bids were received on November 23, 2016 for the project known as Fairhaven Booster Station Improvements for the Borough of Allendale;

Whereas, the bid documents have been reviewed and it is determined that the bid of Fred Devens Construction is the lowest responsible, responsive bidder with a total base bid in the amount of \$122,000; and

Whereas, the Chief Financial Officer has attached hereto a Certification that adequate funds are or will be, duly budgeted to pay for the contract for the above project.

Now, Therefore, Be It Resolved by the Governing Body that it hereby does award a contract for Fairhaven Booster Station Improvements Project to Fred Devens Construction of Ringwood, NJ in the amount of \$122, 000 on such further terms and conditions set forth in the contract to be prepared as are acceptable to the Borough and Borough Counsel; and

Be It Further Resolved that the Mayor and Municipal Clerk are authorized to sign such contract with Fred Devens Construction following legal review and approval.

Resolution 16-290

Change Order Number Two – 2016 Road Resurfacing Program
NW Bergen Cooperative Program

Whereas, the Borough Engineer has requested that certain changes are needed in the 2016 Road Resurfacing Program NW Bergen Cooperative Program contract; and

Whereas, an increase of \$34,633.93 will result from the actual quantities of work measured and performed; and

Whereas, the CFO has certified that sufficient funds are available.

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 \$34,633.93, representing a net increase of 18.72% in the original contracted amount, be approved

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for the 2016 Road Resurfacing Program NW Bergen Cooperative Pricing program, resulting in a new contract amount of \$267,355.56.

Be It Further Resolved that Change Order Number Two in the amount of \$34,633.93 be approved for performance by D & L Contractors, Inc., 681 Franklin Avenue, Nutley, NJ 07110.

Resolution 16-291

PERSON-TO-PERSON LIQUOR LICENSE TRANSFER

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Distribution License Number 0201-44-005-004, heretofore issued to The Great Atlantic & Pacific Tea Company t/a A&P Fresh for premises located at 45 West Allendale Avenue, Allendale, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE, BE IT RESOLVED that the Allendale Mayor and Council do hereby approve the transfer of the aforesaid Plenary Retail Distribution License to Acme Markets, Inc. t/a Acme effective nunc pro tunc to June 30, 2016 and does hereby direct the Municipal Clerk/A.B.C. Board Secretary to endorse the license certificate to the new ownership as follows: This license, subject to all its terms and conditions, is hereby transferred to Ronaldo, L.L.C., effective nunc pro tunc to June 30, 2016.

Resolution 16-292

Renewal of ABC Liquor Licenses for 2016-2017

Whereas, all Plenary Retail Consumption, Retail Distribution, Limited Distribution and Club Licenses expired on June 30, 2016; and,

Whereas, the following applicants have complied with the provisions of the Act of the Legislature entitled, "An Act Concerning Alcoholic Beverages", being Chapter 436 of the Laws of 1933, its supplements and amendments, and with the Rules and Regulations issued or to be promulgated by the State Commissioner of Alcoholic Beverage Control applicable.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that the Borough Clerk be and is hereby authorized to issue licenses to expire June 30, 2017, to the following:

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PLENARY RETAIL DISTRIBUTION LICENSES - \$2,500.00

<u>LICENSE#</u>	<u>LICENSEE</u>	<u>LICENSED PREMISES</u>
0201-44-005-004	Acme Markets, Inc. t/a Acme 250 Parkcenter Boulevard PO Box 20 Boise, ID 83726	Pocket

Resolution 16-293

Approval of Workplace Alcohol & Drug Testing Contract

Whereas, there is a need for a Workplace Alcohol & Drug Testing Contract; and

Whereas, Valley Medical Group has provided the Borough with satisfactory service in 2016; and

Whereas, Valley Medical Group has provided the Borough with a proposal for 2017.

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 2017 contract between the Borough of Allendale and the Valley Medical Group for services related to workplace alcohol and drug testing; and

Be It Further Resolved, that the Mayor and Municipal Clerk be and they are hereby authorized to sign said contract.

Resolutions

16-294/ Authorize Emergency Bond Appropriation

Motion by Councilman Bernstein, second by Councilwoman Wilczynski, that the Resolution #16-294 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 16-294

WHEREAS, an emergency has arisen with respect to the need to fund the acquisition by the Borough of Allendale of certain property commonly known and designated as 220 & 230 West Crescent Avenue, Allendale, New Jersey, and no adequate provision was made in the 2016 Current Budget for the aforesaid purpose, and N.J.S. 40A:4-49 provides for the purpose above mentioned, and

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WHEREAS, the total amount of emergency appropriation created including the appropriation to be created by this resolution is \$14,000,000 and three percent of the total operating appropriations in the budget for the year 2015 is \$315,503.

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S. 40A:4-49,

1. An emergency appropriation be and the same is hereby made for \$14,000,000.
2. That said emergency appropriation shall be provided for in full in the 2017 Budget Outside of Caps, unless otherwise cancelled by a bonding ordinance.
3. That two certified copies of this resolution be filed with the Director of Local Government Services.

16-295/Cancel Capital Ordinances & Authorize Transfer to General Capital Fund Balance

Motion by Councilman Bernstein, second by Councilwoman Wilczynski, that the Resolution #16-295 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 16-295

WHEREAS, balances exist in variances funded by Bonds and;

WHEREAS, these improvements have been completed and;

WHEREAS, the Borough Council wishes to cancel said ordinances to the General Capital Fund Balance;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Allendale, that the following ordinances by hereby cancelled.

<u>Ordinance Number</u>	<u>Description</u>	<u>Amount</u>
09-09B	Crestwood Swim Docks	\$3,660.58
09-09D	Police – Miscellaneous	2,450.00
09-09G	Sewer – Improvements	7,924.00
09-09G	Sewer – Miscellaneous	1,000.00
10-04	Miscellaneous	10,491.59
10-04B	Police – Portable Radios	0.01
10-04D	Sewer – Lateral Camera	600.00
10-04D	Sewer – Screener	40,000.00
10-04D	Sewer – Scada Upgrades	5,000.00

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10-04E	P&R – ADA Pathway/Backstop	9,367.70
11-01	Miscellaneous	11,578.41
11-01B	Police – Radios	44.60
11-01C	Fire – Turnout Gear	4.43
11-01D	DPW – Truck	150.00
11-01D	DPW – Pick-Up	17.37
11-01E	Sewer – Light Tower	2,495.26
11-01F	P&R – Garbage Bins	287.65
11-06	Crestwood Improvements	302.14
11-07	Road Improvements	2,938.42
11-14	Improvements Parks/Fields	13.54
12-05	Miscellaneous	28,217.31
12-05B	Police – Dispatch Equipment	1,584.37
12-05C	Fire – Turnout Gear	17.89
12-05E	DPW – Dump Body	1,743.20
12-05F	Public Improvements – Boro Hall	31,001.27
12-05F	Public Improvements – Flag Pole	4,653.80
12-20	Improvements to Buildings	10,011.17
13-09A	Road Improvements	1,255.90
13-09B	Park Improvements – Water Slide	2,118.00
13-09D	Fire – Breathing Apparatus	215.42
13-09E	Police – Weapons	117.80
13-09F	Police – UHF Radio Upgrade	18,000.00
13-09F	Police – Speed Monitor/Trailer	1,190.00
13-09H	Public Improvements – Furniture	1,000.02
13-09H	Public Improvements – Crestwood Lake	5,000.00
13-09H	Public Improvements – Diagnostic Comp DPW	305.00
13-09H	Miscellaneous	6,641.71
14-03B	DPW – Plows	5,336.00
14-03C	Fire – Pumper	120.50
14-03D	Fire – CBA	174.19
14-03E	Police – UHF Radio Upgrade	<u>567.90</u>

\$217,597.15

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16-296/Cancel Reserve for Purchase of Fire Truck & Authorize Transfer to General Capital Fund Balance

Motion by Councilman Sasso, second by Councilman Strauch, that the Resolution #16-296 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 16-296

WHEREAS, there exists a reserve for the Purchase of a Fire truck of \$125,000 in the Capital Fund from prior years and;

WHEREAS, the Borough Council desires to cancel this reserve;

NOW, THEREFORE, BE IT RESOLVED that the above reserve is hereby cancelled to the General Capital Fund Balance.

16-297/Cancel Reserve for Purchase of DPW Equipment & Authorize Transfer to General Capital Fund Balance

Motion by Councilman Sasso, second by Councilman Strauch, that the Resolution #16-297 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 16-297

WHEREAS, the Borough of Allendale has on hand funds from the 2016 budget for the Purchase of DPW Equipment of \$45,000; and where such funds are no longer needed;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Allendale transfer the balance of \$45,000 to the Reserve for Municipal Improvements in the General Capital Fund.

16-298/Authorize Amended Spending Plan & Authorize Wiss & Bouregy to Petition for Release of Funds from Amended Spending Plan

Motion by Councilwoman McSwiggan, second by Councilwoman Homan, that the Resolution #16-298 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

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, on August 25, 2016, the Borough adopted a second amendment to its COAH-approved third round spending plan, which Third Round Second Amended Spending Plan was approved by a September 20, 2016 Order of the Superior Court of New Jersey.

WHEREAS, at this time, the trust fund has a current balance of approximately \$406,000 and the Borough desires to expend an estimated \$345,000 of such balance toward fulfilling its affordable housing obligations as set forth in the amended/updated spending plan dated on or about December 2, 2016 prepared by the Borough’s consultants, Clarke Caton Hintz (the “third 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:

- (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 third amended spending plan; and

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

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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 third amended spending plan; and

BE IT FURTHER RESOLVED that the Borough's proposed emergent affordable housing opportunities for a group home for developmentally disabled adults at 200 West Crescent Avenue and for age-restricted affordable rentals at 220 West Crescent Avenue address COAH's criteria set forth in *N.J.A.C.* 5:93-5.3, 5.5, and 5.8. See attached Third Amended Spending Plan, dated December 2, 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 opportunities outlined in the third amended spending plan and accompanying certification at the earlier of two years after the Court's approval of the third 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 mechanisms described in the third 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 third 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.

16-299/Authorize Contract – Purchase of 220-230 W. Crescent Avenue

Motion by Councilman Bernstein, second by Councilwoman Wilczynski, that the Resolution #16-299 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 16-299

**Borough of Allendale
Resolution Authorizing Execution of Agreement of Sale and Purchase for
220 & 230 West Crescent Avenue, Allendale, New Jersey**

WHEREAS, as of October 31, 2016, the Borough of Allendale ("Borough"), executed a Letter of Intent ("LOI") with West Crescent Realty, LLC ("Seller") regarding the purchase by the Borough from the Seller of those premises commonly known as 220 West Crescent Avenue and 230 West Crescent Avenue, Allendale, New Jersey (collectively, the "Property"); and

WHEREAS, the Borough and the Seller, subsequent to execution of the LOI, entered into negotiations regarding the terms of an Agreement of Sale and Purchase (the “Agreement”) regarding the Property; and

WHEREAS, the Borough and Seller have mutually agreed on the terms of the Agreement, the terms of which are incorporated herein; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor Elizabeth White be and hereby is authorized to execute and to enter into on behalf of the Borough, the Agreement with the Seller for the purchase of the Property; and

BE IT FURTHER RESOLVED that the Mayor, the Borough Attorney, the Chief Financial Officer, and such other members of the Borough’s professional and administrative staff as may be designated by the Mayor, are authorized to take any and all appropriate actions to implement the terms of the Agreement.

16-300/Appoint Environmental Consultant – Acquisition of Property

Motion by Councilwoman McSwiggan, second by Councilman Bernstein, that the Resolution #16-300 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 16-300

Resolution Appointing PK Environmental

WHEREAS, the Borough of Allendale (“Borough”) has entered into an Agreement of Sale and Purchase (the “Agreement”) with West Crescent Realty, LLC for the purchase of those premises commonly known as 220 West Crescent Avenue and 230 West Crescent Avenue, Allendale, New Jersey (collectively, the “Property”); and

WHEREAS, conjunction with the anticipated acquisition by the Borough of the Property, there exists a need on the part of the Borough to engage the services of an environmental assessment, planning and remediation firm; and

WHEREAS, the Borough has determined that PK Environmental of Chatham, New Jersey is qualified and experienced to provide the foregoing services; and

WHEREAS, the Borough, by adoption of this Resolution, wishes to appoint PK Environmental as its environmental consultant in connection with its anticipated acquisition of the Property, upon such terms as are recited in a letter proposal dated November 1, 2016, the terms of which are incorporated by reference herein; and

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NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that PK Environmental be and hereby is appointed as the Borough's environmental consultant, to provide such environmental assessment, planning and remediation services to the Borough in connection with the matters set forth hereinabove; and

BE IT FURTHER RESOLVED that the Mayor, CFO, Borough Clerk and Borough Attorney are authorized to take such actions as may be required to implement this Resolution.

16-301/Confirm Endorsement of Community Development Project – Hamilton Home for Eastern Christian Children's Retreat

Motion by Councilman Strauch, second by Councilman Sasso, that the Resolution #16-300 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 16-301

Confirm Endorsement of Community Development Project

Whereas, a Bergen County HOME Investment Partnerships application of \$100,000 has been proposed by the Hamilton Home for the Eastern Christian Children's Retreat in the municipality of Allendale; and

Whereas, pursuant to the State Interlocal Services Act, HOME funds may not be spent in a municipality without authorization by the Mayor and Council; and

Whereas, the aforesaid project in the best interest of the people of the Borough of Allendale; and

Whereas, the Borough of Allendale does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid HOME application.

Now, Therefore, Be It Resolved that the Mayor and Council of the Borough of Allendale hereby confirm endorsement of aforesaid project; and

Be It Further Resolved, that a copy of this resolution shall be sent to the Director of the Bergen County Division of Community Development so that implementation of the aforesaid project may be expedited.

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 reported that she met with Chief Scherb and part of the Public Safety Committee to review the budget. A meeting with the Fire Department to review their budget will be scheduled. She noted that there will be a Public Safety Committee meeting tomorrow at 7:30 a.m.

Councilwoman McSwiggan – Water, Sewer and Public Utilities

Councilwoman McSwiggan advised that the Ramsey Water Storage Tank Improvements are complete. She noted that the project went well with only a few minor watermain breaks and she commended Ron Kistner, Administrative Officer/Director of Operations, for his diligence in overseeing the project. She reminded everyone that Phase 2 Water Restrictions remain in place and requested that residents continue to be mindful of their water usage.

Mayor White added that they met with a representative from the DEP who emphasized the importance of conserving water and offered a toolbox that can be used to reinforce the importance of water conservation to the public.

Councilman Sasso - Land Use and Construction Code

Councilman Sasso stated that the Land Use and Construction Code Committee met last week. They are still reviewing the code to see how processes can be streamlined and are currently looking at fences and street openings. The committee will meet again next month.

Councilman Bernstein – Administration, Finance and Human Resources

Councilman Bernstein advised that the Administration, Finance and Human Resources Committee met on November 29th. He reported that annual reviews are currently underway. The committee reviewed the budget. He noted that governing body members should be meeting with the Department Heads to review their budget requests. The committee also looked at electronic payment options and how to expand upon their use. In January, the Financial Advisory Committee will be looking to assemble a committee regarding the property for which the Borough is now a contract purchaser.

Councilwoman Wilczynski – Facilities, Parks and Recreation

Councilwoman Wilczynski reported that they are currently assembling the Recycling Newsletter which will focus exclusively on recycling. She noted that they are awaiting some information from the Borough's current recycling handler and commented that the Borough's recycling numbers are very good. She thanked the DPW for putting up the holiday decorations. She remarked that the Holiday Walk was a great success and thanked the Chamber of Commerce for putting together this event. She advised that the Menorah Lighting is scheduled to take place on December 29th at 6:30 p.m.

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Councilman Strauch – Public Works

Councilman Strauch advised that the Public Works Committee met yesterday and commented that the department continues to run well under Mr. Kistner's leadership. He noted that it was a good meeting and the local DEP representative was in attendance. The annual street inspection is scheduled for December 19th at 9 a.m.

Mayor's Report:

Mayor White reported that 3 new members graduated from the CERT Program and she thanked them for joining this volunteer program. She expressed her appreciation to the Chamber of Commerce for their hard work in putting together the Holiday Walk and commented that it was a fabulous time. She advised that she was invited to speak to the Brookside School 8th graders about volunteerism as part of a civics lesson and part of her talk focused on recycling. She finished her report by thanking Alissa Mayer, CFO, for all of her hard work with respect to the financial aspect of the acquisition of 220 and 230 West Crescent Avenue.

Staff Reports:

Ray Wiss, Municipal Attorney, reported that he has been working with the Borough Clerk on a growing number of OPRA requests, most of which have been received from research institutes and universities serving global OPRA requests on municipalities for documents pertaining to the Police Department. He noted that a lot of time and effort went into negotiating the terms with respect to Resolution #16-299. He advised that he worked with the Borough Planner as well as the committee on Resolution #16-298 and the accompanying spending plan. The motion will be filed the week after next and will be returnable January 6th. He advised that, if granted, it will not only approve the amended spending plan, but will allow the Borough to use funds from the Housing Trust as part of the acquisition. In terms of the Northern Highlands litigation matter, he learned today that a 90-day extension has been granted on formal proceedings at the appellate division. He expressed his opinion that it is a tribute to that town that, at its inception, the Borough has been acting as an intermediary between the two parties to help resolve their differences and had insisted that hostilities be put aside and an application be made to the court.

Anne Dodd, Municipal Clerk, advised that her office has started to use the SDL software for pet licensing and it seems to be going smoothly thus far. She noted that they are looking to expand the use of the software in January to include compost permits and garage sales.

Mayor White added that she, Borough Clerk Dodd, and other members of the team will be meeting with SDL to review permissions and give online access to the public to certain information and applications.

Ron Kistner, Administrative Officer/Director of Operations, noted that the tank project is complete and water concerns are being addressed. He advised that the lake is drained and ladders are being ordered. In terms of Property Maintenance, vacant properties are currently being registered.

Alissa Mayer, CFO, reported that they are moving forward with the budget preparation. They recently conducted the tax sale and just one property was involved.

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Public Comment on any issue:

Ethan Shaw, 143 Green Way, advised that he is currently working on his communications badge with the Boy Scouts.

Councilman Sasso announced that yesterday was the 75th Anniversary of Pearl Harbor, making today the 75th Anniversary of when war was declared. He commented that 55 million people lost their lives as a result of this war, including 8 Allendale men. He noted that there were seven Allendale residents who had served and made it back home.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilwoman McSwiggan, second by Councilman Sasso, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:31 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk