

Special Regular Session Meeting  
Mayor and Council  
February 19, 2014

A Special Regular Session Meeting of the Borough Council was held in the Municipal Building on February 19, 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 notice of publications.

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

The following individuals answered roll call: Councilmembers Bernstein, McSwiggan, Sasso, Strauch, White, and Mayor Barra. Councilwoman Wilczynski was absent. Also present were Mr. Casais, Mr. Bole, and Mr. Yakimik.

*Approval of Minutes*

The work and regular session minutes of January 23, 2014 were moved for approval by Councilwoman McSwiggan; Seconded by Councilman Strauch.

On Roll Call – Aye: Bernstein, McSwiggan, White. Nay: None. Abstain: Sasso and Strauch.  
Motion Carried.

*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

*Resolutions*

**RESOLUTION 14-83: INTRODCTION OF ORDINANCE 14-02**

**Be It Resolved** that Ordinance 14-02, “An Ordinance to Amend and Supplement Chapter 26 of the Code of the Borough of Allendale entitled ‘Departments’” 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 the 13th day of March, 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.

Councilman Bernstein made a motion to approve Resolution 14-83; Seconded by Councilwoman White.

On Roll Call – Aye: Bernstein, McSwiggan, Sasso, Strauch, White. Nay: None.  
Motion Carried.

## **RESOLUTION 14-85: INTRODUCTION OF ORDINANCE 14-03**

**Be It Resolved** that Ordinance 14-03, “Bond Ordinance to Authorize the Making of Various Public Improvements and the Acquisition of New Additional or Replacement Equipment and Machinery, New Communication and Signal Systems Equipment, New Information Technology Equipment and a New Fire Engine, Including Original Apparatus and Equipment, in, by and for the Borough of Allendale in the County of Bergen, State of New Jersey, to Appropriation the Sum of \$750,000 to Pay the Cost Thereof, to Make a Down Payment, to Authorize the Issuance of Bonds to Finance Such Appropriation and to Provide for the Issuance of Bond Anticipation Notes in Anticipation of the Issuance of Such Bonds” 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 the 13th day of March, 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 approve Resolution 14-85; Seconded by Councilwoman McSwiggan.

On Roll Call – Aye: Bernstein, McSwiggan, Sasso, Strauch, White. Nay: None.  
Motion Carried.

### *Consent Agenda*

## **RESOLUTION 14-71: 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 February 13, 2014.

## **RESOLUTION 14-72: RESOLUTION FOR PERMANENT 2% ARBITRATION CAP**

**Whereas**, on December 21, 2010, Governor Christie signed into law reforms to the Arbitration process that took effect January 1, 2011; and,

**Whereas**, the reforms capped arbitration awards on economic factors to no more than 2%, provided for random selection of arbitrators, expedited the determination of awards, required the arbitrator to provide a written report detailing the weight accorded to each of the required considerations and expedited the appeal process; and,

**Whereas**, these reforms marked a dramatic change to the arbitration process and have helped municipalities to control the never-ending rise in public safety personnel costs; and ,

**Whereas**, a key element of the reforms, capping arbitration awards on economic factors to no more than 2% of the property tax levy will expire on April 1, 2014; and,

**Whereas**, while municipalities are statutorily limited to raise their property tax levy by no more than 2%, with very limited exceptions, failure to extend the 2% cap on interest arbitration awards will force municipalities throughout the State to further reduce or even eliminate crucial services, personnel, and long-overdue infrastructure improvement projects in order to fund an arbitration award; and,

**Whereas**, the 2% Interest Arbitration cap has controlled one of the largest municipal expense, public safety salaries, not only through arbitration awards but through contract negotiations; and,

**Whereas**, absent further action by the Legislature, any contract that expires on or after April 1, 2014, will be subject to all new procedures and requirements, EXCEPT the 2% awards cap; and,

**Whereas**, without those limits, arbitrators will be able to impose awards that do not account for the 2% limit on the property tax levy, which would immediately threaten funding for all other municipal services; and,

**Whereas**, without the 2% cap on Interest Arbitration Awards but with the 2% cap on property tax levy local budget makers could be forced to reduce other essential municipal services to fund an arbitration award;

**Now, Therefore, Be It Resolved**, that the governing body of the Borough of Allendale, County of Bergen, State of New Jersey strongly urges the Legislature to permanently extend the 2% cap on interest arbitration awards prior to the April 1, 2014 sunset; and,

**Be It Further Resolved**, that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, the legislators of the 40<sup>th</sup> Legislative District, Governor Chris Christie, and the New Jersey State League of Municipalities.

#### **RESOLUTION 14-73: COMPLIANCE WITH IRS CODE FOR \$1,341,750 NOTE**

**Whereas**, the Borough of Allendale, in the County of Bergen, New Jersey (the “Borough”) from time to time issues bonds, notes, and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and,

**Whereas**, the Internal Revenue Code of 1986, as amended (the “Code”), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain other action to establish and maintain such Federal tax exclusion; and,

**Whereas**, the Borough desires to designate a \$1,341,750 Bond Anticipation Note, dated January 31, 2014, payable January 30, 2015 (the “Note”), as a “qualified tax-exempt obligation” pursuant to Section 265(b)(3) of the Code;

**Now, Therefore, Be It Resolved** by the Borough Council of the Borough of Allendale, in the County of Bergen, New Jersey, as follows:

Section 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

Section 2. The Mayor, Borough Clerk, Chief Financial Officer and other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

Section 3. The Note is hereby designated as a “qualified tax-exempt obligation” for the purpose of Section 265(b)(3) of the Code.

Section 4. It is hereby determined and stated that (1) said Note is not a “private activity bond” as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during calendar year 2014.

Section 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during calendar year 2014.

Section 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code;

however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

Section 7. The issuing officers of the Borough be and they hereby are authorized to deliver a certified copy of this resolution to the original purchaser with a certificate of obligations issued during the calendar year 2014 dated as of the date of delivery of the Note.

Section 8. This resolution shall take effect immediately upon its adoption.

#### **RESOLUTION 14-74: PROFESSIONAL SERVICE CONTRACT WITH DEWBERRY ENGINEERS**

**Whereas**, the Borough of Allendale foresees the need for Special Project Engineering services during the year 2014; and,

**Whereas**, it is contemplated that the temporary and permanent budgets will contain the necessary appropriations estimated to be reasonably required for each such professional service; and,

**Whereas**, the professionals named herein will be required to execute a contract for the services to be rendered which shall set forth the compensation for such services therein; and,

**Whereas**, a Certification of availability of funds has been received from the Chief Financial Officer or that such funds will be encumbered by Purchase Order on an as-needed basis pursuant to the provisions of NJAC 5:30-5.4 et seq; and,

**Whereas**, in any instance where it is anticipated that the expenditure for each such professional service will exceed the sum of \$17,500 for said calendar year, the named professionals have completed, submitted and filed a Business Entity Certification Disclosure which certifies that the above named persons and/or entities have not made any reportable contributions to any political or candidate committee including (Republicans for Responsible Government, Allendale Republican Club, Allendale Democratic Club, Candidates for Allendale Municipal Government, Bergen County Democratic Organization, Bergen County Republican Organization) in the previous one (1) year, and that the contract will prohibit the above named professionals/business entities from making any reportable contributions through the term of 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 Professional Services Contract be and is hereby awarded to Dewberry Engineers, Inc. for Special Project Engineering; and,

**Be It Resolved** that the following appointment and contract commence immediately upon adoption of this resolution and expire on December 31, 2014; and,

**Be It Further Resolved** that this contract is being awarded as a non-fair and open contract, pursuant to the provisions of NJSA 19:44A-20.5; and,

**Be It Further Resolved** that the aforesaid appointments were made without competitive bidding under the provisions of NJSA 40A:11-5(1)(a) which excepts from competitive bidding Professional Services rendered by persons authorized by law to practice a recognized profession and whose practice is regulated by law; and,

**Be It Further Resolved** that the appropriate Borough Officials be and they are hereby authorized to execute contracts with each of the professionals named herein for the services to be rendered; and,

**Be It Further Resolved** that the compensation to be paid for the professionals named herein shall not exceed the budget appropriation for such services unless properly ordained in accordance with law.

#### **RESOLUTION 14-75: RESIGNATION OF PART-TIME DISPATCHER TIFFANY BLAUVELT**

**Whereas**, Tiffany Blauvelt submitted her resignation as Part-Time Dispatcher of the Allendale Police Department in a correspondence dated January 28, 2014.

**Now, Therefore, Be It Resolved** that the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey hereby accepts the resignation of Tiffany Blauvelt as a Part-Time Dispatcher of the Allendale Police Department effective January 28, 2014.

**RESOLUTION 14-76: DONATION OF LAKE PASS TO WOMEN'S CLUB**

**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 a family (parents and children) Crestwood Lake 2014 Season Pass to the Allendale Women's Club.

**RESOLUTION 14-77: APPROVAL OF RAFFLE LICENSE APPLICATION 396**

**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 Application No. RA: 396 as follows:

Applicant: Allendale PTO  
Address: 100 Brookside Avenue, Allendale, NJ 07401  
Date of Raffle: March 28, 2014  
Type: On Premise 50/50 Draw Raffle  
Place: Brookside School; 100 Brookside Avenue, Allendale, NJ 07401  
Proceeds: Assisting Brookside Class of 2014 with Expenses

**RESOLUTION 14-78: APPROVAL OF BINGO LICENSE APPLICATION 14-01**

**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 Bingo License Application No. BA: 14-01 as follows:

Applicant: Allendale PTO  
Address: 100 Brookside Avenue, Allendale, NJ 07401  
Date of Raffle: March 28, 2014  
Type: Bingo  
Place: Brookside School; 100 Brookside Avenue, Allendale, NJ 07401  
Proceeds: Assisting Brookside Class of 2014 with Expenses

**RESOLUTION 14-79: ISSUING CHECKS FOR TAX OVERPAYMENTS**

**Be It Resolved** by the Mayor and Council of the Borough of Allendale that the Tax Collector is hereby authorized to issue the following checks on the properties listed below and charge same to Overpayment of 2013 Taxes:

Block/ Lot	Name	Property Location	Amount
504/1	Kang, Soo 52 Iroquois Avenue Allendale, NJ 07401	52 Iroquois Ave	\$4,204.29
508/14	Violetti, Jason & Erin 45 Harreton Road Allendale, NJ 07401	45 Harreton Road	\$708.20
1502/11	Bank of America C/O CoreLogic Services, LLC Post Office Box 961230 Fort Worth, TX 76161 Karvellas	7 Stonefence Road	\$535.00
		<b>TOTAL</b>	<b>\$5,447.49</b>

**RESOLUTION 14-80: ISSUING CHECKS FOR STATE TAX BOARD JUDGEMENTS**

**Be It Resolved**, by the Mayor and Council of the Borough of Allendale that the Tax Collector is hereby authorized to issue a check to the following due to a State Tax Board Judgment for the tax years 2012 & 2013:

<b>Block/Lot</b>	<b>Name</b>	<b>Amount</b>
<b>2013</b>		
908/1	Kontogiannis, Emmanuel & Kanella 26 Vreeland Place Allendale, NJ 07401	\$282.84
<b>2012</b>		
908/1	Kontogiannis, Emmanuel & Kanella 26 Vreeland Place Allendale, NJ 07401	\$277.32

**RESOLUTION 14-81: BERGEN COUNTY LAW ENFORCEMENT MUTUAL AID**

**Whereas**, the Police Departments in Bergen County have a day to day responsibility to provide for the security of lives and property, for the maintenance and preservation of the public peace and order, and

**Whereas**, Law Enforcement Officials also have a responsibility to provide for preparedness against natural emergencies, such as floods, hurricanes, earthquakes, major storms, etc., man-made causes, civil unrest, and civil disobedience such as riot, strikes, jail or prison riots, train wrecks, aircraft crashes, major fires, ethnic disorders, riots, terrorist incidents and bombings, state and national emergencies, and

**Whereas**, the Bergen County Police Chief's Association has proposed a Mutual Aid Plan and Rapid Deployment Force to deal with these emergencies, and

**Whereas**, this Plan is adopted in accordance with the provisions of N.J.S.A 40A:14-156, N.J.S.A 40A:14-156.1, N.J.S.A 40A:14-156.4 and N.J.S.A. App. A: 9-40.6, and

**Whereas**, this Plan will provide a uniform procedure for the coordination of the requesting, dispatching, and utilization of law enforcement personnel and equipment whenever a local law enforcement agency requires mutual aid assistance from any other jurisdiction, both contiguous and non-contiguous, in the event of an emergency, riot or disorder, in order to protect life and property, and

**Whereas**, it is the desire of the Mayor and Council of the Borough of Allendale to participate in a Mutual Aid Plan and Rapid Deployment Force in accordance with the Plan as submitted by the Bergen County Police Chief's Association.

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Allendale that the Police Department of the Borough of Allendale, under the direction of the Chief of Police, cooperate with the Bergen County Police Chief's Association to create an Interlocal Services Agreement with all municipalities in the County of Bergen in order to put into place the Mutual Aid Plan and Rapid Deployment Force, and

**Be It Further Resolved** that a copy of the Resolution be forwarded to the County Executive, the Board of Chosen Freeholders, the County Prosecutor, and all municipalities in the County of Bergen.

**RESOLUTION 14-82: MUNICIPAL COURT TELECONFERENCING AGREEMENT**

**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 a Shared Services Agreement with the Village of Ridgewood for Municipal Court Teleconferencing.

**RESOLUTION 14-84: RULES AND REGULATIONS OF THE ALLENDALE POLICE DEPARTMENT**

**Be It Resolved**, by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that the Rules and Regulations of the Allendale Police Department, a copy of which are on file in the office of the Administrative Officer are hereby adopted and approved.

**RESOLUTION 14-86: AUTHORIZATION TO HIRE INDIVIDUALS TO ASSIST IN SNOW REMOVAL OPERATIONS**

**Whereas**, a severe Winter Storm is forecasted to impact the Borough of Allendale and the surrounding New Jersey/Metropolitan area in a way that will negatively impact the public's health, safety, and well-being.

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that due to the effects of the Winter Storm beginning on February 12, 2014 the Director of Operations is hereby authorized and directed to hire up to six (6) individuals on an as-needed basis for an amount not to exceed \$10.00 per hour respectively to assist in snow removal operations.

**RESOLUTION 14-87: ADOPTION OF 2014 TEMPORARY CAPITAL BUDGET**

**Whereas**, the Borough of Allendale desires to establish the 2014 Temporary Capital Budget of said municipality by inserting therein the following project.

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

Section 1. The 2014 Temporary Capital Budget of the Borough of Allendale is hereby established by the adoption of the schedule to read as follows:

Temporary Capital Budget of the  
Borough of Allendale  
County of Bergen, New Jersey  
Projects Scheduled for 2014  
Method of Financing

<u>Project</u>	<u>Est. Costs</u>	<u>Grants</u>	<u>Budget Appr. Fund</u>	<u>Capital Imp. Fund</u>	<u>Bonds</u>	<u>Self- Liquidating Bonds</u>
Various Improvements	750,000			36,000	714,000	

Section 2. The Municipal Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services Department of Community Affairs, State of New Jersey, within three days after the adoption of this project for 2014 Temporary Capital Budget, to be included in the 2014 Permanent Capital Budget as adopted.

**RESOLUTION 14-88: HIRING INDIVIDUALS FOR PART TIME AS-NEEDED SNOW REMOVAL OPERATIONS**

**Be It Resolved** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that the following individuals are hereby hired on a temporary as-needed basis for the purpose of snow removal operations not to exceed to corresponding hourly rate:

Name	Wage (per hour)
Nicholas Peterson	\$10.00
Kyle Wilczynski	\$10.00
Rudy Mamary	\$10.00
Alfred Revilla	\$10.00

**RESOLUTION 14-89: PROFESSIONAL SERVICE CONTRACT WITH HATCH MOTT MACDONALD**

**Whereas**, the Borough of Allendale requires the service of professionals for the year 2014, and **Whereas**, it is contemplated that the temporary and permanent budgets will contain the necessary appropriations estimated to be reasonably required for each such professional service; and

**Whereas**, the professional named herein will be required to execute a contract for the services to be rendered which shall set forth the compensation for such services therein;

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Allendale that the following appointments be and they are hereby made for the year:

**Whereas**, a Certification of availability of funds has been received from the Chief Financial Officer or that such funds will be encumbered by Purchase Order on an as-needed basis pursuant to the provisions of NJAC 5:30-5.4 et seq;

**Whereas**, in any instance where it is anticipated that the expenditure for each such professional service will exceed the sum of \$17,500 for said calendar year, the named professionals have completed, submitted and filed a Business Entity Certification Disclosure which certifies that the above named persons and/or entities have not made any reportable contributions to any political or candidate committee including (Republicans for Responsible Government, Allendale Republican Club, Allendale Democratic Club, Candidates for Allendale Municipal Government, Bergen County Democratic Organization, Bergen County Republican Organization) in the previous one (1) year, and that the contract will prohibit the above named professionals/business entities from making any reportable contributions through the term of the contract;

**Be It Further Resolved** that these contracts are being awarded as a non-fair and open contract, pursuant to the provisions of NJSA 19:44A-20.5;

**Be It Further Resolved** that the Business Disclosure Entity Certification and the determination of value be placed on file with this Resolution.

Water and Sewer Engineer

Hatch Mott MacDonald

The compensation for the aforesaid positions to be established by the salary ordinance or the contract for such services which shall be executed by each of the professionals named herein; and

**Be It Further Resolved** that the aforesaid appointments were made without competitive bidding under the provisions of NJSA 40A:11-5(1)(a) which excepts from competitive bidding Professional Services rendered by persons authorized by law to practice a recognized profession and whose practice is regulated by law; and

**Be It Further Resolved** that the appropriate Borough Officials be and they are hereby authorized to execute contracts with each of the professionals named herein for the services to be rendered; and

**Be It Further Resolved** that the compensation to be paid for the professionals named herein shall not exceed the budget appropriation for such services unless properly ordained in accordance with law.

**RESOLUTION 14-90: EMERGENCY TEMPORARY BUDGET APPROPRIATIONS**

**Whereas**, an emergent condition has arisen with respect to certain budget appropriations and no adequate provision has been made in the 2014 Temporary Budget, and N.J.S.A. 40A: 4-20 provides for the creation of emergency temporary appropriations for said purpose; and,

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Allendale that in accordance with the provisions of N.J.S.A. 40A: 4-20;

1. An emergency temporary appropriation be and is hereby made in the total amount of:

<b>Current Fund</b>	
Tax Collection, O.E.	1,000
Police Accreditation	6,000
Radio Equipment Maint., O.E.	500
Streets & Roads, S&W	50,000
Streets & Roads, O.E.	10,000
Sewer , S&W	1,000
<b>Total Current Fund</b>	<b>\$68,500</b>
<b>Water Utility Fund</b>	
Water, S&W	\$3,000
Water, O.E.	\$80,000
<b>Total Water Utility</b>	<b>\$83,000</b>

2. That said emergency temporary appropriation will be provided in the 2014 budget;
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

**RESOLUTION 14-91: APPROVAL OF RAFFLE LICENSE APPLICATION 397**

**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 Application No. RA: 397 as follows:

Applicant: Northern Highlands Home and School Association, Inc.  
Address: 298 Hillside Avenue, Allendale, NJ 07401  
Date of Raffle: April 1, 2014  
Type: On Premises Merchandise Draw Raffle  
Place: 298 Hillside Avenue, Allendale, NJ 07401  
Proceeds: To defray cost of Project Graduation, Class of 2014

Councilman Sasso made a motion to approve all Resolutions listed on the Consent Agenda; Seconded by Councilwoman White.

On Roll Call – Aye: Bernstein, McSwiggan, Sasso, Strauch, White. Nay: None.  
Motion Carried.

*Unfinished Business*

None

*New Business*

**Hearing on the 2014 Towing Applications of Allendale Towing, Inc. and NAR Towing, Inc.:**

Mayor Barra invited all parties to the hearing to step forward to the public desk. The following individuals entered their names and associations into the record:

Todd Griffith, Sargent and Traffic Safety Officer of the Allendale Police Department

George Scherb, Chief of Police of the Borough of Allendale

Santo Alampi, Attorney of the firm Alampi & De Marris;

Legal Counsel for Allendale Towing, Inc. and NAR Towing, Inc.

David Emde, Vice-President of Allendale Towing, Inc. and NAR Towing, Inc.

Mayor Barra stated that applications have been filed by Allendale Towing, Inc. and NAR Towing, Inc. for towing licenses issued by the Borough. As the Traffic Safety Officer, Sgt. Griffith is charged with the task of reviewing applications and qualifying factors of applicants, and in this case has raised some issues with the applications at hand.

Mayor Barra made note of a letter from Sgt. Griffith dated January 30, 2014 (here forward referred to, and attached to these minutes, as "Exhibit A") and asked that Sgt. Griffith explain the letter and provide other supplemental information.

Sgt. Griffith noted that there are two (2) letters, both are the same in content with the exception that they are addressed to the parties as two (2), legally respective towing companies. Furthermore, he noted that it has come to the Police Department's attention that the companies list the same storage facility, 536 Route 17 North in Ramsey, on their applications and that the facility in question is not manned pursuant to the requirements of Borough Code.

Sgt. Griffith stated that he and other officers have had difficulty contacting any individuals at this facility, and that the Borough Clerk could not successfully send mail to the facility due to a lack of personnel at the site. With that said however, Sgt. Griffith said that this is the sole issue with the towing companies and that there are no other known issues that would be considered disqualifying factors pursuant to Code.

Mr. Alampi was recognized by Mayor Barra to provide his input and ask any questions he deemed appropriate.

Mr. Alampi asked Sgt. Griffith if the staffing of storage facility requirements were the only issues being levied against Allendale and NAR Towing, to which Sgt. Griffith affirmed.

The Governing Body asked to momentarily suspend the hearing so that, for purposes of reference, Mr. Casais as the Borough Clerk could make copies of the ordinance. Mr. Casais left Council Chambers to make copies of the Code, during which time the Borough Attorney swore

in Sgt. Griffith. Mr. Alampi, as legal counsel for Allendale and NAR Towing, agreed that all preceding testimony would be considered under oath. He added, upon prompt, that he did not call the number listed on a sign affixed to the fencing around the site.

Upon questioning about Sgt. Griffith's visit to the facility, Sgt. Griffith indicated that the gate was locked and by all indications the facility appeared to be unstaffed.

Sgt. Griffith clarified that the only issue at hand is the matter of staffing during business hours so as to guarantee access to the facility.

At this point the Borough Attorney swore-in Mr. David Emde to provide testimony.

Mr. Emde stated that he was the Vice-President of both Allendale and NAR Towing and that both companies have been official towiers of the Borough for over twenty years.

Mr. Alampi submitted a photograph for the record (here forward referred to, and attached to these minutes as "Exhibit D-1") to which Mr. Emde confirmed as the sign hung at 536 Route 17 North in Ramsey indicating the business names and phone number.

Upon questioning by Mr. Alampi, Mr. Emde stated that the site is staffed however the gate remains locked as a matter of security and the appearance of a lack of site personnel is due to the weather conditions.

Councilman Bernstein inquired as to the hours of operation, the amount of staff at the Route 17 site, and what their general duties are during their time at the facility, to which Mr. Emde indicated 8:30 a.m. to 4:30 p.m., one (1) individual, and general vehicle maintenance and ground maintenance

Councilman Bernstein asked that in the event site staff is not in the office at the Route 17 site who would answer the incoming calls from the posted number on the sign at the facility; to which Mr. Emde indicated that the phone would be answered by either individuals at their facility at 99 West Main Street in Ramsey, or by a staffer with the calls forwarded to their cell phone

Councilwoman McSwiggan indicated that for the average person if they arrived at the Route 17 site and the gate was locked, and there was no clear indication of any on-site staff, that the facility would appear closed and therefore inaccessible during normal, posted business hours

Mr. Emde replied to Councilwoman McSwiggan indicating that a neighboring business would be able to indicate to and guide any individual visiting the site that there is someone staffing the facility; to which Councilwoman McSwiggan indicated that the towing companies would then be relying on the staffing of other, independent company to fulfill the staffing requirements of the Code

Mayor Barra asked Mr. Emde is the towing cpanies were registered with any agency, including the Post Office; to which Mr. Emde indicated that both companies were registered with the Post

Office at the 536 Route 17 North address. As a follow-up, Mayor Barra asked if Mr. Emde knew that the Borough Clerk had attempted to send certified letters to the facility at 536 Route 17 North; to which Mr. Emde indicated that he had found out afterwards and that he periodically has trouble receiving mail at the facility, but has not reported any issues to the Postal Service

Mr. Emde further stated that there is no mailbox at the Route 17 site, but the mail instead gets delivered to a neighboring business that sorts the mail for them and then provides it to the individual who staffs the towing company's facility

Councilwoman McSwiggan stated to Mr. Emde that it seems odd that if there is an arrangement with another business to deliver the mail to someone who allegedly staffs the Route 17 facility that there were three separate occasions where certified mail failed to be delivered because the return receipt failed to be signed

Mayor Barra stated that the bottom line is that the governing body is uncomfortable with the current situation at the Route 17 facility, and that the general feeling is that the arrangement does not comply with the spirit of the Borough Code. The Mayor then asked Mr. Emde if he would be open to altering the current arrangement so that the feeling would be that staffing requires were met and that the public would have a reasonable ability to access the facility; to which Mr. Emde indicated that he is open to suggestions and new ideas

Sgt. Griffith suggested that there be a bell type mechanism that unmistakably alerts the entire facility, outside and inside, when a car pulls up to the gate. This would thereby alert staff to attend to an individual in need of service

Further discussion ensued on the suggestion which resulted in the following terms and conditions read into the record by Mr. Bole (Borough Attorney): The applicants will have a staff member on site during regular work hours pursuant to Borough Code, an audible bell will be installed to alert all staff on site regarding the presence of a customer, a new sign will be installed no later than March 15, 2014 identifying the business and phone number, the applications will be amended to include 99 West Main Street in Ramsey as the companies' business office, the remaining \$100 payment will be provided to the Borough in connection with the issuance of the licenses, and all aforementioned provisions will be subject to periodic review by the Allendale Police Department.

A motion was made to approve the conditions by Councilwoman McSwiggan; Seconded by Councilman Bernstein.

On Roll Call – Aye: Bernstein, McSwiggan, Sasso, Strauch, White. Nay: None.  
Motion Carried.

#### *Committee Reports and Comments*

##### **Councilwoman McSwiggan**

- Water and Sewer Committee met earlier in the day with representatives of United Water and is happy that things continue to improve

Councilman Bernstein

- The Public Safety Committee will meet on Friday morning

Councilman Strauch

- Have been meeting on Fridays with Councilman Sasso and Code Enforcement dealing with a variety of issues
- The first 2014 Land Use Committee meeting will be next Thursday

Councilwoman White

- Reminded that all of the governing body and the Municipal Clerk is eligible to take an online seminar provided by the JIF for a \$250 credit toward the Borough's insurance payments
- The Finance, Administration, and HR Committee has asked Department Heads to conduct personnel evaluations

Councilman Sasso

- First regular meeting if the DPW Committee was very good and made headway on a lot of issues
- The DPW Committee also held two winter storm debriefing and briefing meetings

Borough Attorney, Mr. Bole

- Has one (1) item for closed session

Borough Clerk, Mr. Casais

- Reminded everyone that dogs must be licensed pursuant to State law, and as of February 1<sup>st</sup> all renewals will be assessed a \$5 late fee. Failure to renew by March 31<sup>st</sup> shall result in the issuance of a summons pursuant to Borough Code.

Director of Operations, John Yakimik

- Wanted to thank the residents of Allendale for the kind words and words of encouragement directed toward the DPW during the last few severe winter weather events
- 

*Public Comment*

Mayor Barra opened the meeting for public comment on general matters

With no one wishing to speak Mayor Barra closed the public portion without objection.

*Executive Session*

Mr. Casais read the following into the record:

**Whereas**, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and,

**Whereas**, this public body is of the opinion that such circumstances presently exist; and,

**Whereas**, the Governing Body wishes to discuss:

1. Contract Negotiations regarding the Cell Tower

**Now, Therefore, Be It Resolved** that the Mayor and Council of the Borough of Allendale enter a closed portion of the meeting to discuss the aforementioned item.

Approval of the executive session Resolution was motioned by Councilman Strauch, seconded by Mayor Barra.

With all members voting in favor the motion carried and the Council entered executive session at 9:45 p.m.

*Adjournment*

The Council returned from closed session at 9:55 p.m. upon unanimous consent.

On a motion by Councilwoman White, seconded by Councilman Bernstein the Council voted unanimously to adjourn at 9:56 p.m.

Respectfully submitted,

Andrew Casais  
Municipal Clerk