

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

PRESENT: Mayor Elizabeth White and Council members 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 February 25, 2016. The meeting was called to order at 8:05 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.

As Council wished to review the balance of the items on the Work Session agenda, motion by Councilman Strauch, second by Councilman Sasso, and all other members present voting in favor, the meeting was adjourned to the Work Session at 8:05 p.m.

The Public Meeting was reopened at 8:11 p.m.

Approval of Minutes:

Motion by Councilman Sasso, second by Councilman Strauch, with Councilman Bernstein abstaining, and all other members present voting in favor,

BE IT RESOLVED that the Minutes of the Minutes of February 11, 2016 Work Session, February 11, 2016 Regular Session, and February 11, 2016 Closed Session (not to be released) are approved.

Public Comment on any agenda item:

No one came forward.

Public Hearings for Advertised Ordinances:

Ordinance 16-03

The Municipal Clerk read into the record:

The following ordinance published herewith was first read by title only on February 11, 2016 and posted on the bulletin board of the municipal building.

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ORDINANCE 16-03 – AN ORDINANCE TO AMEND CHAPTER 262 OF THE CODE ENTITLED
“WATER” OF THE BOROUGH OF ALLENDALE

Public Comments on Ordinance 16-03

No one came forward.

Motion by Councilwoman McSwiggan, second by Councilman Strauch, that Ordinance 16-03 be passed on second and final reading and is hereby adopted and notice of same shall be published according to law.

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

(See Ordinance 16-03, attached and made a part hereof.)

Resolutions:

16-89/Approve Temporary Capital Budget

Motion by Councilman Bernstein, second by Councilwoman Wilczynski that Resolution #16-89 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 16-89

Approve 2016 Temporary Capital Budget

WHEREAS, the Borough of Allendale desires to constitute the 2016 Temporary Capital Budget of said municipality by inserting therein the following projects.

NOW, THEREFORE BE IT RESOLVED by the Council of the Borough of Allendale as follows:

Section 1. The 2016 Temporary Capital Budget of the Borough of Allendale is hereby constituted by the adoption of the schedule to read as follows:

Temporary Capital Budget of the
Borough of Allendale
County of Bergen, New Jersey

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Projects Scheduled for 2016

Method of Financing

<u>Project</u>	<u>Est. Costs</u>	<u>Grants</u>	<u>Other. Funds</u>	<u>Capital Imp. Fund</u>	<u>Bonds</u>	<u>Self-Liquidating Bonds</u>
Various Capital Improvements	723,000		218,000	25,000	480,000	
			0		0	
Various Water Utility Capital Improvements	350,000					350,000

Section 2. The 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 2016 Temporary Capital Budget, to be included in the 2016 Permanent Capital Budget as adopted.

Introduction of Ordinances

Motion by Councilman Bernstein that the following ordinances be introduced and passed on first reading and setting March 10, 2016 at 8:00 p.m. or as soon thereafter as the as the matter can be heard as the date and time and the Council Chambers of the Allendale Municipal Building as the place for a hearing on said ordinances. Second by Councilwoman Wilczynski.

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

ORDINANCE 16-04 – BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$723,000 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, 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.

ORDINANCE 16-05 – BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$350,000 TO PAY THE COST THEREOF, 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.

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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

(See Ordinances 16-04 and 16-05, attached and made a part hereof.)

Consent Agenda

- A. **16-90**/Approval of Bill List
- B. **16-91**/Award Professional Services Contract – Special Project Engineering Services
- C. **16-92**/Award Contract – Boroline Road Improvements
- D. **16-93**/Recommend Contract Award to NJDOT – Boroline Road Improvements
- E. **16-94**/ Approve Donation to Allendale Woman’s Club 2016 Fashion Show
- F. **16-95**/Authorize Agreement – BCUA – Certified Recycling Professional Tonnage Grant Assistance Program
- G. **16-96**/Oppose Water Rate Increase Proposed by Suez Water New Jersey Inc.
- H. **16-97**/Authorize Receipt of Bids – Fairhaven Tank High Speed Pump
- I. **16-98**/Authorize Shared Services Agreement – County of Bergen – Short-Term Emergency Sharing of Fire Apparatus
- J. **16-99**/Appoint Community Development Representatives
- K. **16-100**/Approve 2016 Memorial Day Parade Request
- L. **16-101**/Authorize Reduction of Performance Bond – Trinity Episcopal Church
- M. **16-102**/Authorize Defense Agreement – Bergen County Municipal Joint Insurance Fund
- N. **16-103**/Authorize Agreement – Teamsters Local 11 & the Borough of Allendale

Motion by Councilman Sasso, second by Councilman Strauch, 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 16-90

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 11, 2016 in the amounts of:

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Current Fund	\$1,754,822.74
Capital	\$1,870.10
Housing Trust	\$1,712.50
Trust Fund	\$169.00
Dog Fund	\$0.00
Water Capital	\$720.00
Payroll	\$158,135.52
Water Operating	\$186,459.22
Water Operating Payroll	\$14,728.00
Total	\$2,118,617.08

Resolution 16-91

Awarding a Professional Services Contract to
Dewberry Engineers, Inc.

Whereas, the Borough of Allendale foresees the need for Special Project Engineering services during the year 2016; 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, 2016; and,

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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; and,

Be It Further Resolved that a copy of this resolution be filed with the Borough Clerk and made available for inspection and that a brief notice of the passage thereof be published in The Record within ten days of the passage as required by law.

Resolution 16-92

Awarding a Contract to 4 Clean Up, Inc. for Boroline Road Improvements.

WHEREAS, the Borough of Allendale (“Allendale”) and the Borough of Saddle River (“Saddle River”) have been selected by the New Jersey Department of Transportation to receive funding totaling \$220,000.00 from the Fiscal Year 2015 Municipal Aid Program for the resurfacing of Boroline Road and the construction of a new sidewalk along a section of such roadway (the “Project”); and

Whereas, sealed bids were received on February 5, 2016 for the project “Boroline Road Improvements”; and

Whereas, a total of six (6) bids were received; and

Whereas, the bid documents have been reviewed and it is determined that the bid of 4 Clean Up, Inc. is the lowest responsible, responsive bidder with a total Base Bid with Alternates A & B in the amount of \$223,377.38; and

Whereas, Allendale and Saddle River have agreed that each municipality shall pay fifty (50%) of the costs over and above the above grant amount of \$220,000.00; and

Whereas, the cost over the grant amount of \$220,000.00 totals \$3,337.38, therefore Allendale’s share of the cost over and above the grant amount shall be \$1,688.69, and Saddle River’s share of the cost over and above the grant amount shall be \$1,688.69; and

Whereas, the Chief Financial Officer has attached a Certification that adequate funds are available through a grant awarded by the New Jersey Department of Transportation totaling \$220,000.00 from the Fiscal Year 2015 Municipal Aid Program, as well as the additional amount over and above the grant amount which totals \$3,337.38 to pay for the Contract pursuant to NJAC 5:30-5.4 et. seq.

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Now, Therefore, Be It Resolved, by the Governing Body that it does hereby award a Contract for the above referenced project to 4 Clean Up, Inc., North Bergen, New Jersey in the amount of \$223,377.38.

Be It Further Resolved, that the Mayor and Borough Clerk are hereby authorized to execute a Contract in substantially the form contained within the bid documents with 4 Clean Up, Inc. following legal review; and

Be it Further Resolved, that the foregoing Contract award is subject to approval by the New Jersey Department of Transportation (NDOT) in accordance with the Borough's grant agreement with NJDOT.

Resolution 16-93

BE IT RESOLVED that the Mayor and Council of the Borough of Allendale hereby recommends to the New Jersey Department of Transportation that the contract for

Boroline Road Improvements

in the Borough of Allendale County of Bergen be awarded to 4 Clean Up, Inc. whose bid amounted to **\$223,377.38** subject to the approval of the Department.

BE IT FURTHER RESOLVED that the presiding officer of this body be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said construction.

BE IT FURTHER RESOLVED that the clerk of this body be and is hereby directed to seal said contract with the corporate seal of this body and to attest to the same.

Resolution 16-94

Donation of Crestwood Lake Season Pass
To Allendale Woman's Club 2016 Fashion Show

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 a family (parents and children) Crestwood Lake 2016 Season Pass to the Allendale Woman's Club for the 2016 Fashion Show on April 6, 2016.

Resolution 16-95

Authorize Service Agreement with BCUA for CRP Services

WHEREAS, commencing in 2012, the Borough of Allendale is required by the New Jersey Recycling Enhancement Act, P.L. 2008, Chapter 6, to have a mandatory Annual Recycling Tonnage Report approved by a Certified Recycling Professional ("CRP"); and

WHEREAS, the annual Recycling Tonnage Report must be submitted to the New Jersey Department of Environmental Protection on or before April 30th of each year;

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WHEREAS, pursuant to N.J.S.A. 40A:11-1, the Borough is authorized and permitted to enter into a Service Agreement with the Bergen County Utilities Authority for services without bidding pursuant to N.J.S.A. 40A:11-5(2); and

WHEREAS, the Borough of Allendale desires to enter into a Service Agreement for retaining and providing CRP services from the BCUA for signing of the Annual Recycling Tonnage Report; and

WHEREAS, the Director of Operations has reviewed the Service Agreement for a Certified Recycling Professional to prepare the Annual Recycling Tonnage Report between the Borough of Allendale and the Bergen County Utilities Authority attached hereto and incorporated herein by reference and approves of same; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Allendale, County of Bergen, and State of New Jersey that the Service Agreement for a Certified Recycling Professional to prepare the Annual Recycling Tonnage Report between the Borough of Allendale and the Bergen County Utilities Authority attached hereto and incorporated herein by reference be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Director of Operations is hereby authorized and directed to execute the attached Service Agreement on behalf of the Borough; and

BE IT FURTHER RESOLVED, that the Director of Operations be and he is hereby authorized and directed to forward the attached Service Agreement to the Bergen County Utilities Authority for signature.

Resolution 16-96

Oppose Rate Increase Proposed by Suez Water New Jersey Inc.

WHEREAS, Suez Water New Jersey Inc. has applied to the Board of Public Utilities for the approval of an increase in rates for water service and other tariff changes from United Water; and

WHEREAS, the Company is requesting an overall increase in water revenues of \$29,485,322 or approximately 13.51% above the annual level of revenues for the post-test year period ending June 30, 2016; and

WHEREAS, the notice of application further states "If this proposal were to be adopted without modification a residential customer using 9CCF or 6,732 gallons of water per month will see his/her bill increase from \$46.40 to \$54.66, an increase of \$8.36 per month, or approximately 18.05%; and

WHEREAS, these rates, if approved would be an exorbitant increase and burden on our municipal budget and our tax payers far exceeding the 2% mandated Cap of municipal government and would be particularly onerous on the residential and business community in these most difficult economic environment; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey requests the Board of Public Utilities to consider the hardship and the impact on all government agencies, business and residents; and

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BE IT FURTHER RESOLVED that the Borough of Allendale urges the Board of Public Utilities to reject this rate increase as exorbitant; and

BE IT FURTHER RESOLVED that the Borough of Allendale strongly opposes the requested increases; and

BE IT FURTHER RESOLVED, that the Borough of Allendale requests all surrounding municipalities in the Suez Water New Jersey Inc. service area to oppose this rate increase and contact the BPU to register their opposition on behalf of all residents and rate payers; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to Governor Christie, Legislators of the 40th District, the Board of Public Utilities and surrounding municipalities.

Resolution 16-97

Authorization to Advertise Bid Specifications for Fairhaven Tank High Speed Pump

Be It Resolved the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey does hereby authorize the Borough Clerk to advertise and thereby solicit and accept sealed bids in accordance with State law for the project Fairhaven Tank High Speed Pump; and,

Be It Further Resolved that the final bid specifications be subject to form approval by the Borough Attorney.

Resolution 16-98

Approval of Short Term Emergency Sharing of Fire Apparatus Shared-Services Agreement

Whereas, the County of Bergen owns certain fire apparatus, including ladder vehicles and engines ("Fire Apparatus") used for training firefighters at its Fire Academy operated through the County's Department of Public Safety; and

Whereas, there is a need for the Borough of Allendale, at times, to utilize Fire Apparatus on a temporary/emergency basis solely for use as front line Fire Apparatus; and

Whereas, the County of Bergen has agreed, subject to the operational needs of the Fire Academy, to make certain Fire Apparatus available to the Borough of Allendale on a temporary/emergency basis solely for use as front line Fire Apparatus; and

Whereas, the Borough of Allendale has determined that by entering into a Shared Services Agreement governing the terms for borrowing the County's Fire Apparatus in advance of the Borough of Allendale's need to utilize the Fire Apparatus, the parties will be able to facilitate the prompt availability when there is a need to utilize it; and

Whereas, the apparatus will be loaned for up to eight weeks at no charge, \$25/day for weeks 9-16, and \$50/day for weeks 17-24, for a maximum of twenty-four weeks; and

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Whereas, the Chief Financial Officer has certified that there will be sufficient funds available for this contract included in the 2016 budget;

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 contract between the Borough of Allendale and Bergen County, and

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

Resolution 16-99

Appointment of Community Development Representatives

Whereas, each Bergen County Community that participates in the Community Development Cooperative must appoint two representatives to its respective Community Development Committee; and

Whereas, Mayor Liz White and Councilwoman Amy Wilczynski were appointed to participate on the Community Development Committee via Resolution #16-42; and

Whereas, the Governing Body wishes to appoint Ronald Kistner, Administrative Officer/Director of Operations, in place of Mayor Liz White.

Now, Therefore, Be It Resolved that the Governing Body hereby appoints Ronald Kistner, Administrative Officer/Director of Operations, and Councilwoman Amy Wilczynski to participate on the Community Development Committee.

Resolution 16-100

Approval of 2016 Memorial Day Parade

Be It Resolved by the Mayor and Borough Council of the Borough of Allendale, County of Bergen, State of New Jersey that it does hereby grant permission to the Veterans of Foreign Wars Post 10181 to conduct the annual Memorial Day Parade on Monday, May 30, 2016 at 9:30 a.m.

Resolution 16-101

Reduction of Performance Bond
Trinity Episcopal Church

Whereas, the Borough of Allendale holds a cash bond for Trinity Episcopal Church in the amount of \$12,698.00, and

Whereas, the Borough Engineer has recommended a reduction in the bond amount to \$6,349.00; and

Whereas, the Borough of Allendale holds a surety bond for Trinity Episcopal Church in the amount of \$139,678.00 and

Whereas, the Borough Engineer has recommended a reduction in the bond amount to \$69,839.00.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale that \$6,349 be released from the cash bond and \$69,839 be released from the surety bond, to Trinity Episcopal Church subject to payment of all outstanding legal and engineering fees.

Resolution 16-102

**Borough of Allendale
Resolution Authorizing Defense Agreement**

WHEREAS, the Borough of Allendale (“Borough”) has been named as a Defendant in a Civil Litigation (the “Complaint”) filed by Michael A. D’Antonio in the United States District Court for the District of New Jersey, entitled D’Antonio v. Borough of Allendale, et als.; and

WHEREAS, the Bergen County Municipal Joint Insurance Fund (“BCMJIF”) has agreed to file a Motion to Dismiss the Complaint in such litigation on behalf of the Borough and certain related and unrelated parties; and

WHEREAS, approval of the Agreement with BCMJIF, on the terms and conditions recited therein, is in the best interest of the Borough; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor Elizabeth White be and hereby is authorized to enter into the Defense Agreement with BCMJIF on behalf of the Borough, on the terms recited therein.

Resolution 16-103

Authorization for the Mayor to Sign the 2016-2019
Contract Between the Teamsters and the Borough

Be It Resolved by the Governing Body that an Agreement between the Borough of Allendale and Local No. 11, affiliated with the International Brotherhood of Teamsters, for a term commencing January 1, 2016 through December 31, 2019 which Agreement is on file in the office of the Municipal Clerk is hereby authorized and approved; and

Be It Further Resolved that the salaries for the positions set forth in said Agreement shall be in accordance with the terms of the Agreement and the annual salary ordinances and implementing resolutions adopted by the Governing Body from year to year.

Be It Further Resolved that the Mayor and Municipal Clerk are authorized to sign the Agreement on behalf of the Borough.

Unfinished Business:

There was no unfinished business.

New Business:

There was no new business.

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Council Committee Reports and Comments

This agenda item was addressed during the Work Session.

Staff Reports:

Ray Wiss, Municipal Attorney, deferred his report to the Closed Session.

Anne Dodd, Municipal Clerk, advised that she attended a meeting at the County regarding the Primary Election. She noted that petitions for both Council and County Committee candidates are available in her office.

Chris Stricker, Fire Chief, reported that the Fire Department responded to 27 calls in January. He advised that this past Saturday, they responded to a call on Homewood Avenue in which the resident was out of town and a pipe burst, flooding their home.

Public Comment on any issue:

No one came forward.

Closed Executive Session:

Mayor White read into the record Resolution 16-104.

BE IT RESOLVED in compliance with N.J.S.A. 10:4-12, the Mayor and Council of the Borough of Allendale entered into Closed Executive Session to discuss the following matters:

A. Pending & Prospective Litigation

Minutes will be taken of the meeting and released to the public at the time that the matter is resolved. After Closed Executive Session, the Mayor and Council will reconvene in the Council Chambers to adjourn this public meeting.

There being no further business to come before the Council, on a motion from Councilman Bernstein, seconded by Councilwoman McSwiggan, and all present voting in favor, the meeting was adjourned to the Closed Executive Session in the Council Chambers at 8:20 p.m.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilman Sasso, second by Councilwoman Homan, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:48 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk