

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
January 12, 2017

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 January 12, 2017. The meeting was called to order at 8:00 p.m. by Mayor White who asked that the Municipal Clerk read the open public meetings statement: "In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. The meeting dates for the year are confirmed at the Annual Meeting, are posted on the public bulletin board in the Municipal Building, published in the Record within the first 10 days of the New Year, and copies are sent to the Ridgewood News and Star Ledger."

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

Approval of Minutes:

Motion by Councilwoman McSwiggan, second by Councilman Strauch, that the Minutes of December 22, 2016 Work Session, December 22, 2016 Regular Session, and January 5, 2017 Reorganization Meeting 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

No one came forward.

Resolutions

17-61/Approve Temporary Capital Budget

Motion by Councilman Bernstein, second by Councilwoman Wilczynski, that Resolution #17-61 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 |

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
January 12, 2017

Resolution 17-61

WHEREAS, the Borough of Allendale desires to constitute the 2017 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 2017 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
Project Scheduled for 2017
Method of Financing

| <u>Project</u> | <u>Est. Costs</u> | <u>Grants</u> | <u>Other. Funds</u> | <u>Capital Imp. Fund</u> | <u>Debt Authorized</u> |
|---|-----------------------|---------------|-------------------------|----------------------------------|----------------------------|
| Acquisition of 220 & 230 West Crescent Ave | 14,350,000 | | | 700,000 | 13,650,000 |

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 2017 Temporary Capital Budget, to be included in the 2017 Permanent Capital Budget as adopted.

Introduction of Ordinances:

Ordinance 17-02

Motion by Councilman Bernstein that the following ordinance be introduced and passed on first reading and setting January 26, 2017 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 ordinance. Second by Councilwoman Wilczynski.

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

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
January 12, 2017

ORDINANCE 17-02 – BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR AFFORDABLE HOUSING, MUNICIPAL FACILITIES, RECREATION, OPEN SPACE AND OTHER MUNICIPAL PURPOSES IN, BY AND FOR THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$14,350,000 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.

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 |

Ordinance 17-03

Mayor White noted that this ordinance requires thirty-five days between introduction and adoption for referral to the Planning Board to determine consistency with the Master Plan.

Motion by Councilman Sasso that the following ordinance be introduced and passed on first reading and setting February 16, 2017 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 ordinance. Second by Councilwoman McSwiggan.

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

ORDINANCE 17-03 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, ZONING, CHAPTER 270 AND LAND SUBDIVISION AND SITE PLAN REVIEW, CHAPTER 147

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 |

Consent Agenda

- A. **17-62/**Authorize Utility Pole Use – Verizon Wireless
- B. **17-63/**Authorize Participation in Mutual Aid & Rapid Deployment Force
- C. **17-64/**Authorize Consent Letter – Equipment Modification – Verizon Wireless
- D. **17-65/**Authorize Budget Transfers
- E. **17-66/** Authorize Capital Alternatives Corporation to submit 2017 NJDOT Municipal Aid Project Grant Application
- F. **17-67/** Authorize Water Utility Bill Adjustment – Myers
- G. **17-68/**Authorize NJ DOT Grant Application - Donny Brook Drive (Section 2) and Safety Improvements on Franklin Turnpike and East Allendale Avenue Project
- H. **17-69/**Approve Tax Appeal Settlement – Ronaldo LLC v. Borough of Allendale

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
January 12, 2017

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

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

| | | | |
|-------------------------|-----|--------------------------|----------------------------|
| Councilman Bernstein: | aye | Councilman Sasso: | aye, 17-62 & 17-64 abstain |
| Councilwoman Homan: | aye | Councilman Strauch: | aye |
| Councilwoman McSwiggan: | aye | Councilwoman Wilczynski: | aye |

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

Resolution 17-62

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless, (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Borough of Allendale; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF ALLENDALE, COUNTY OF BERGEN, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poled erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of Allendale, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws requiring permits prior to beginning safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Allendale.
 - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Allendale, its officers, agents, and servant, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Borough of Allendale.
 - D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
January 12, 2017

persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Borough of Allendale as additional insured.

- E. Verizon Wireless shall be responsible for the repair of any damage to paving existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- F. Notwithstanding any provision contained herein, neither the Borough of Allendale nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- G. This instrument shall be adopted on behalf of the Borough of Allendale by the Borough Council of the Borough of Allendale and attested to by the Borough of Allendale who shall affix the Borough of Allendale seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

Resolution 17-63

Bergen County Law Enforcement Mutual Aid Resolution

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 also recognized that the Allendale Chief of Police, in accordance with the provisions of N.J.S.A. 40A:14-118 and under the authority of the Bergen County Prosecutor, has the authority to assign officers to a Task Force, Rapid Deployment Team, or Regional SWAT Team operated in conjunction with the Bergen County Prosecutor's Office, and

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
January 12, 2017

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 17-64

WHEREAS, the Borough of Allendale (the "Borough") and Crown Atlantic Company, LLC, ("Crown Atlantic") previously executed a Lease Agreement dated August 31, 1995 (the Lease), pursuant to which property was leased from the Borough located at 300 West Crescent Avenue, Allendale, New Jersey and being described as a portion of the property known as Lot 6, Block 1003 and Lots 9 and 10 of Block 201 (the property) for the construction of a monopole and installation/maintenance of utility wires, poles, cable, conduits and pipes; and

WHEREAS four (4) Amendments to the Lease Agreement have been signed; and

WHEREAS, Crown Atlantic, on behalf of Verizon Wireless, seeks to modify Verizon Wireless's equipment on the monopole by (A) removing the existing nine (9) antennas and replacing them with eight (8) new antenna total of eight (8) antenna; (B) adding six (6) RRH's and (1) hybrid cable; (C) remove all TMAs; and (D) other work associated with same as more specifically referenced in the October 13, 2016 letter (and attachments thereto) from Crown Castle to the Borough; and

WHEREAS, Crown Atlantic, on behalf of Verizon Wireless, seeks the Borough's consent under the terms and conditions of the Lease;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that it does hereby consent to the foregoing modification and the Mayor is hereby authorized to execute a consent letter for modification subject, however, to the following conditions:

1. Crown Atlantic or Verizon Wireless, shall make application for appropriate building permits and shall pay all fees in connection with those permits;
2. Crown Atlantic or Verizon Wireless, shall comply with any and all land use requirements and pay any fees associated therewith;
3. Crown Atlantic or Verizon Wireless, shall provide for a professional escrow deposit, if required, for review of its application in accordance with law.

Resolution 17-65

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;

Mayor and Council of the Borough of Allendale
 Regular Session Meeting Minutes
 January 12, 2017

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

| DEPARTMENT | FROM | TO |
|--------------------------|-----------------|-----------------|
| Police, S&W | | \$25,000 |
| Electrical Inspector | | \$1 |
| Salary & Wage Adjustment | \$25,001 | |
| Totals | \$25,001 | \$25,001 |

Resolution 17-66

BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that application is made to the Commissioner of Transportation for aid under the 2017 (MA) Municipal Aid program for:

2017 Municipal Aid Project-MA-2017-Donny Brook Drive (Section 2) and Safety Improvements on Franklin Turnpike and East Allendale Avenue-00052

WHEREAS, the Council has determined that such application(s) should be prepared by Capital Alternatives Corporation, the grants specialists engaged by the borough for assistance in such matters.

RESOLVED, that Capital Alternatives Corporation is authorized to prepare, assemble, and submit the necessary documentation on behalf of the Borough of Allendale for the stated project(s).

Resolution 17-67

Water Adjustments

Whereas, the utility payer listed below has been found to have their utility bill reduced by the amount shown, and

Whereas, this adjustment is due to an estimated bill,

Now, Therefore, Be It Resolved by the Council of the Borough of Allendale that this adjustment be granted, with no money refunded, to the following utility bill payer:

| Name | Account Number | Amount |
|------------------------|----------------|---------|
| Garry & Rosemary Myers | 8265681166 | \$95.44 |

Resolution 17-68

Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Donny Brook Drive (Section 2) and Safety Improvements on Franklin Turnpike and East Allendale Avenue project

WHEREAS, the Borough of Allendale is requesting funding from the New Jersey Department of Transportation Municipal Aid Program.

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
January 12, 2017

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Allendale formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2017-Donny Brook Drive (Section 2) and Safety Improvements on Franklin Turnpike and East Allendale Avenue-00052 to the New Jersey Department of Transportation on behalf of the Borough of Allendale.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Allendale and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution 17-69

Approval of Tax Appeal Ronaldo L.L.C.

WHEREAS, the tax payers, Ronaldo L.L.C., appealed the assessment levied on the commercial property they owned for the tax years 2013, 2015 & 2016; and

WHEREAS, the subject property is located at 168 W Crescent Ave. (Block 1005, Lot 19); and

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

WHEREAS, the assessor and appraiser reviewed the documents submitted by Plaintiff and other data on this property and determined that an adjustment for 2015 & 2016 was warranted; and

WHEREAS, the parties have agreed to compromise the appeal on the following terms: the appeal for the 2013 tax year has been withdrawn; for 2015 assessment shall be reduced from \$2,330,000 to 2,165,000 and for 2016 the assessment shall be reduced to \$2,125,000; and

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

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

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

The proposed settlement for the tax appeal encaptioned Ronaldo L.L. C. 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.

Unfinished Business:

There was no unfinished business.

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
January 12, 2017

New Business:

There was no new business.

Council Committee Reports and Comments

This agenda item was addressed during the Work Session.

Staff Reports:

This agenda item was addressed during the Work Session.

Public Comment on any issue:

Kenneth Morrissey, 10 Bonnie Way, advised that he is in 8th grade and is working towards earning his communications badge with the Boy Scouts.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilman Sasso, second by Councilwoman McSwiggan, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:06 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk