

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
January 28, 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 January 28, 2016. The meeting was called to order at 8:03 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.

Public Comment on any agenda item:

Motion by Councilwoman McSwiggan, second by Councilman Bernstein, and all members present voting in favor, to open the floor to the public.

Michael Tat, 115 W. Allendale Avenue, advised that there is a large branch the needs trimming in the bushes in front of the school on W. Crescent Avenue.

Mayor White responded that the Director of Operations will address this issue tomorrow.

Motion by Councilman Sasso, second by Councilman Bernstein, and all members present voting in favor, to close public comment.

Approval of Minutes:

Motion by Councilman Bernstein, second by Councilwoman Wilczynski, with Councilwoman Homan abstaining from the November 23, 2015 and December 28, 2015 Work Session and Regular Session Minutes, Councilwoman McSwiggan abstaining from the December 28, 2015 Work Session and Regular Session Minutes, Councilman Strauch abstaining from the December 10, 2015 Work and Regular Session Minutes, and all other members present voting in favor,

BE IT RESOLVED that the Minutes of the Minutes of November 23, 2015 Work Session, November 23, 2015 Regular Session, December 10, 2015 Work Session, December 10, 2015 Regular Session, December 28, 2015 Work Session, and December 28, 2015 Regular Session are approved.

Introduction of Ordinances

Motion by Councilwoman McSwiggan that the following ordinance be introduced and passed on first reading and setting February 11, 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 ordinance. Second by Councilwoman Wilczynski.

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

ORDINANCE16-02 –AN ORDINANCE TO AMEND, SUPPLEMENT, AND REVISE CHAPTER 93 OF THE CODE OF THE BOROUGH OF ALLENDALE ENTITLED “DOGS”, AND, MORE PARTICULARLY, SECTION 93-2 THEREOF, ENTITLED “FEES”

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 16-02, attached and made a part hereof.)

Consent Agenda

Motion by Councilman Bernstein, second by Councilman Strauch to remove Resolution #16-78 from the Consent Agenda and conduct a separate vote.

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

- A. **16-66**/Approval of Bill List
- B. **16-67**/Approval of Bergen County Law Enforcement Mutual Aid & Rapid Deployment Force Resolution
- C. **16-68**/Appointment of Tax Appeal Attorney – JoAnn Riccardi, Esq. of the firm Edward Rogan & Associates, LLC
- D. **16-69**/Appointment of Reviewers of Tax Appeal Litigation
- E. **16-70**/Authorization to Purchase Capital Item: 2016 Ford Pickup Truck
- F. **16-71**/Authorization to Advertise for Bids – Tennis Court Renovation Project
- G. **16-72**/Approval of Interlocal Shared Services Agreement – Waldwick Well-Baby Clinic
- H. **16-73**/Authorization to Refund 2015 Tax Overpayment – Karen Herrera, Block/Lot 511/5.20
- I. **16-74**/County Board Judgment – Michael J. Sica, Block/Lot 1502/7
- J. **16-75**/Authorization to Award Contract for Allendale Library Door ADA Project – Superior Glass
- K. **16-76**/Covenant to Comply with Internal Revenue Code of 1986 & Designate \$1,195,250 Bond Anticipation Note as “Qualified Tax-Exempt Qualification”
- L. **16-77**/Appoint Property Maintenance Office
- M. ~~**16-78**/Authorize Agreement – Eastern Christian Children’s Retreat~~ *Voted on Separately*

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Motion by Councilman Sasso, second by Councilman Strauch that the Consent Agenda be approved as amended.

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 as amended.

Motion by Councilman Bernstein, second by Councilman Sasso that Resolution #16-78 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 16-66

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 January 28, 2016 in the amounts of:

Current Fund	\$2,182,260.12
Capital	\$102,099.11
Housing Trust	\$890.00
Improvement & Beautification	\$0.00
Trust Fund	\$780.00
Dog Fund	\$0.00
Recycling Trust	\$2,539.00
Water Capital	\$0.00
Unemployment	\$5,372.01
Payroll	\$0.00

TOTAL **\$2,293,940.24**

Resolution 16-67

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 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 16-68

Appointment of Tax Appeal Attorney

Whereas, the Borough of Allendale requires the service of a Tax Appeal Attorney for the calendar year 2016; and,

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

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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; 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 professional has completed, submitted and filed a Business Entity Certification Disclosure which certifies that the below named person and/or entity 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 professional/business entity 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 that the following appointment be and is hereby made for the year:

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;

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

Tax Appeal Attorney JoAnn Riccardi, Esq. of the firm Edward Rogan & Associates

The compensation for the aforesaid position to be established by contract for such services which shall be executed by the professional named herein; and,

Be It Further Resolved that the aforesaid appointment was made without competitive bidding under the provisions of NJSA 40A:11-5(1)(a) which exempts 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 the professional named herein for the services to be rendered; and,

Be It Further Resolved that the compensation to be paid for the professional 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 16-69

Appointment of Reviewers of Tax Appeal Litigation

Whereas, the Borough of Allendale is involved in certain tax appeal litigation for the year 2016.

Now, Therefore, Be It Resolved, by the Governing Body for good cause that JoAnn Riccardi, Esq. of the firm Edward Rogan and Associates and the Tax Assessor be and they are hereby authorized to review all such assignments and to file counterclaims which, in their reasonable discretion, they deem necessary and appropriate to protect the Borough's interest.

Resolution 16-70

Authorize Purchase of 2016 Ford Pickup Truck

WHEREAS, the Department of Public Works needs to purchase a new vehicle for the department; and

WHEREAS, the Director of Operations of the Department of Public Works has investigated the options to purchase a vehicle under a New Jersey State Bid contract; and

WHEREAS, after evaluating the options for the a purchase of a new vehicle, the Director of Operations has recommended purchasing a 2016 Ford Pickup Truck; and

WHEREAS, the New Jersey Public Contracts Law, N.J.S.A. 40A:11-12, permits municipalities to purchase goods and services without advertising for bids, from companies under any contract or contracts for such goods or services entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury, commonly referred to as "State Bid Contracts"; and

WHEREAS, a 2016 Ford Pickup Truck, qualifies to be purchased using State Bid Contract #A88758, T2101, from Chas S Winner Inc d/b/a Winner Ford in Cherry Hill, NJ, at a cost of \$28,869.00, a copy of a quotation being attached; and

WHEREAS, the Chief Financial Officer has advised that funding is available for this purchase.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Allendale that it hereby authorizes Ronald Kistner, Director of Operations, of the Department of Public Works to contract for the purchase a 2016 Ford Pickup Truck, under State Bid Contract #A88758, T2101 from Chas S Winner Inc d/b/a Winner Ford in Cherry Hill, NJ, at a cost of \$28,869.00.

Resolution 16-71

Authorization to Advertise Bid Specifications for Tennis Court Renovation Project

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 Tennis Court Renovation Project; and,

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

Resolution 16-72

**Approval of 2016 Interlocal Service Agreement With
Waldwick for Well Child Care Services through the Waldwick Well-Baby Clinic**

Whereas, there is a need for Well Child Services in the Borough of Allendale; and,

Whereas, the Waldwick Board of Health is able to provide Well Child Services as mandated by the Public Health Council of the State of New Jersey; and

Whereas, the Waldwick Board of Health has agreed to provide Well Child Services for the 2016 Calendar year in the amount of a one time \$125 administrative fee and a \$35 per child per visit fee and a \$20 per child fee for immunizations only, to be billed directly by the medical provider; and,

Whereas, the Chief Financial Officer has certified that there are sufficient funds available for this contract;

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 the Waldwick Board of Health; and,

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

Resolution 16-73

Refund of Tax 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 2015 Taxes:

Block/ Lot	Name	Property Location	Amount
511/5.20	Herrera, Karen 29 Sawyer Court Allendale, NJ 07401	29 Sawyer Court	\$5,460.33

Resolution 16-74

County Board Judgment

BE IT FURTHER RESOLVED, by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to reduce the 2015 tax levy and issue the following overpayment due to a 2015 County Board Judgment on an Added Assessment:

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1502/7

Sica, Michael J.
86 Frost Court
Wyckoff, NJ 07481

\$753.20

Resolution 16-75

Award of Contract for Allendale Library Door ADA Project to Superior Glass

Whereas, the Borough received a 2012 CDBG to make the doors in Allendale's Lee Memorial Library ADA compliant; and

Whereas, quotations and pricing were sought by the Borough's Director of Operations;

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that a contract for ADA compliant doors and all other related materials and labor necessary to properly install such doors be awarded to Superior Glass & Metal LLC, 445 West Main Street, Wyckoff, New Jersey 07481 in the amount of \$17,800.00.

Be It Further Resolved that the solicitation of quotes record be kept on file with the award of contract in the Municipal Clerk's office and that the Mayor is authorized to execute said contract.

Resolution 16-76

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF ALLENDALE AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$1,195,250 BOND ANTICIPATION NOTE, DATED JANUARY 29, 2016, PAYABLE JANUARY 27, 2017, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

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 arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

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WHEREAS, the Borough desires to designate a \$1,195,250 Bond Anticipation Note, dated January 29, 2016, payable January 27, 2017 (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 the 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 the 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 the calendar year 2016.

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 the calendar year 2016.

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 are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2016 dated as of the date of delivery of the Note.

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

Resolution 16-77

Appointment of Property Maintenance Officer

Whereas, the Borough of Allendale is in need of the services of a Property Maintenance Officer.

Now, Therefore, Be It Resolved that Michael Limitola is hereby appointed to the aforementioned position to be effective February 1, 2016 at a salary of \$20/hour, not to exceed 15 hours per week, for a term to expire December 31, 2016.

Be It Further Resolved that the Mayor, the Chief Financial Officer, Municipal Clerk and the Borough Attorney are authorized to take all appropriate actions so as to implement this Resolution.

Resolution 16-78

**Resolution Authorizing the Execution of the Agreement
With Eastern Christian Children's Retreat**

WHEREAS, the Borough of Allendale ("Borough"), pursuant to its obligations under the provisions of the New Jersey Fair Housing Act and rules, regulations and other laws relating to same (the "FSHA"), seeks to enter into an agreement with a group home sponsor to provide very low income housing for those with developmental disabilities through an alternate living arrangement affordable housing program, specifically group homes; and

WHEREAS, Eastern Christian Children's Retreat ("Eastern Christian") has, or will, construct, develop and administer such a group home at the property within the Borough known as Block 910, Lot 3 (the "Project"); and

WHEREAS, the Borough desires to satisfy a portion of the aforesaid obligations under the FSHA by entering into an agreement with Eastern Christian whereby Eastern Christian agrees to develop and administer the Project as a group home for the developmentally disabled, as licensed and/or regulated by the N.J. Department of Human Services, for and on behalf of the Borough to satisfy a portion of the Borough's obligation to provide very low-income housing; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Borough Clerk, be and hereby are authorized to enter into and to execute, on behalf of the Borough, the agreement between Borough and Eastern Christian for the development and administration of the Project, the form of such agreement being attached to this Resolution (the "Agreement"), and that the Mayor, the Borough Clerk and Borough Counsel are further authorized to take all other necessary and proper actions for the execution and implementation of the Agreement.

Unfinished Business:

There was no unfinished business.

New Business:

There was no new business.

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, stated that she has no report.

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Ron Kistner, Director of Operations/Administrative Officer, thanked the Fire and Police Departments for their assistance during the storm, commenting that it was truly a team effort.

Public Comment on any issue:

Motion by Councilwoman McSwiggan, second by Councilwoman Homan, and all members present voting in favor, to open the floor to the public.

There were no comments from the public.

Motion by Councilwoman McSwiggan, second by Councilman Bernstein, and all members present voting in favor, to close public comment.

Closed Executive Session:

Mayor White read into the record Resolution 16-79.

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 Councilwoman McSwiggan, seconded by Councilwoman Wilczynski, and all present voting in favor, the meeting was adjourned to the Closed Executive Session in the Council Chambers at 8:12 p.m.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilman Strauch, second by Councilman Sasso, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:45 p.m.

Respectfully submitted

Anne Dodd, RMC
Municipal Clerk