

Regular Session Meeting
Mayor and Council
June 12, 2014

A Special Regular Session Meeting of the Borough Council was held in the Municipal Building on June 12, 2014. The meeting was called to order at 8:10 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, Wilczynski, and Mayor Barra. Also present were Mr. Casais and Mr. Bole.

Approval of Minutes

None

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.

Ordinances for Second Reading and Public Hearing

Mr. Casais read the following Ordinance into the record by title:

**ORDINANCE 14-10: AN ORDINANCE TO AMEND ARTICLE XV,
CHAPTER 270, ZONING OF THE BOROUGH OF
ALLENDALE SECTION 270-40 ENTITLED OFF-
STREET PARKING REQUIREMENTS**

Be It Ordained by the Mayor and Council of the Borough of Allendale, in the County of Bergen and State of New Jersey, that section 270-40 entitled “Off-street parking requirements” is hereby amended and supplemented in the following particulars only:

Section 1. Section 270-40 is amended by adding the following:

Use	Parking Spaces Required
Adult or child-day care centers	1 per 6 participants maximum attendance plus one space per employee on the maximum shift (see MLUL 40:55D-66.6 for applicable criteria).
Offices and professional offices	1 per 250 square feet of gross floor area
Medical and dental offices	1 per 200 square feet of gross floor area

Physical rehabilitation and therapy offices	1 per 200 square feet of gross floor area
---	---

Section 2. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section 3. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. The Borough Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Bergen County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Borough clerk is further directed to publish notice of the passage thereof and to file copy of this ordinance as finally adopted with the Bergen County Planning Board as required by N.J.S.A. 40:55D-16 and with the Borough Tax Assessor.

Section 5. This ordinance shall take effect after final passage and publication as prescribed by law.

Mayor Barra opened the public hearing on Ordinance 14-10.

There being no one wishing to speak Mayor Barra closed the public hearing without objection.

Councilman Strauch made a motion to adopt Ordinance 14-10; Seconded by Councilwoman McSwiggan.

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

Mr. Casais read the following Ordinance into the record by title:

ORDINANCE 14-11: AN ORDINANCE TO AMEND ARTICLE III AND ARTICLE XV, CHAPTER 270, ZONING OF THE BOROUGH OF ALLENDALE SECTION 270-8 ENTITLED DEFINITIONS AND 270-72 ENTITLED D INDUSTRIAL ZONE DISTRICT

Be It Ordained by the Mayor and Council of the Borough of Allendale, in the County of Bergen and State of New Jersey, that section 270-8 entitled “Definitions”, and 270-72 entitled “D Industrial Zone District” is hereby amended and supplemented in the following particulars only:

Section 1. Amend Article III section 270-8 to add the following definition of Adult Day Care.

ADULT DAY CARE- A non-residential facility providing care for the elderly and/or functionally impaired adults in a protective environment. Operators shall be licensed as required by the State of New Jersey as applicable to operate and offer services such as providing meals, social services, recreational outings and trips, physical therapy, general supervision and support. The participants at such a facility shall not be related to the members of the facilities governing

authority by marriage, blood, or adoption. Adult day care facilities shall not provide services to participants for longer than 12 hours in a calendar day.

Section 2. Article XV is amended by replacing the title “D Industrial Zone District” to “D-1 and D-2 Industrial Zone Districts”.

Section 3. Section 270-72 is amended by replacing the existing paragraphs A. thru H. with the following:

§ 270-72. Primary intended use.

The D-1 and D-2 districts are intended primarily for office, light manufacturing, processing and assembly operations, together with only wholesale sales and display rooms necessarily pertinent thereto. The D-1 and D-2 districts are differentiated by the added permission of medical related office and commercial uses.

A. The following uses are permitted in the D-1 Zone District:

- (1) Indoor individualized instructional sports training facility which shall not exceed a maximum floor area 5,000sf, (excluding health clubs and bowling alleys).
- (2) Martial arts and gymnastic instruction,
- (3) Studios for the instruction of individualized musical and other fine and performing arts which shall not exceed a maximum floor area of 2,500sf.
- (4) State licensed rehabilitation and physical therapy clinics,
- (5) Medical and dental offices, medical imaging and medical dialysis facilities, excluding testing laboratories or medical clinics.
- (6) State licensed adult day care facilities.

B. The following uses are permitted in the D-1 and D-2 Zone District:

- (1) Manufacturing , servicing or reconstruction of light machinery and assembly, comprising any of the following:
 - (a.) Point of Sale Terminals
 - (b.) Office business electronics or machinery
 - (c.) Sewing machines.
 - (d.) Machine design, detailing and associated model making.
- (2) Fabrication of metal products, comprising any of the following:
 - (a.) Boats.
 - (b.) Baby carriages.
 - (c.) Bicycles and other such vehicles.

- (d.) Instrument making.
 - (e.) Metal household furniture, screens and storm sashes.
 - (f.) Musical instruments.
- (3) Fabrication of paper products, comprising any of the following:
- (a.) Bags.
 - (b.) Bookbinding.
 - (c.) Boxes and packing materials.
 - (d.) Office supplies.
- (4) Fabrication of wood products, comprising any of the following:
- (a.) Boats.
 - (b.) Boxes.
 - (c.) Cabinets and woodwork.
 - (d.) Furniture.
- (5) Laboratories, including the following:
- (a.) Dental.
 - (b.) Electronic.
 - (c.) Pharmaceutical.
- (6) Other permissible industry, comprising any of the following:
- (a.) Book publishing.
 - (b.) Brush and broom manufacturing.
 - (c.) Plastic product fabrication.
 - (d.) Printing paper and cloth.
 - (e.) Sporting goods manufacturing.
- (7) Professional office buildings.
- (8) Digital data storage facilities (accessory generators shall be as regulated herein),

(9) Any nonresidential use permitted in AAA Residence Zone District, provided it is on a lot at least five acres in area.

C. The following uses are specifically prohibited in the D-1 and D-2 Zone Districts.

(1) Cross loading dock type distribution facilities.

(2) Refrigeration facilities greater than 10% of the lease area of the user. Exterior refrigeration storage and equipment.

(3) Retail sales.

Section 4. Section 270-76 is amended by replacing the existing paragraph with the following:

§ 270-76. Accessory buildings.

Accessory buildings shall be separated from each other and from the principal building by at least 15 feet.

Accessory emergency generators shall meet the following setback requirements:

- (1) Front Yard 100 feet
- (2) Side Yard 50 feet
- (3) Rear Yard 50 feet (except 6 feet where adjacent to a 50 foot wide railroad R.O.W.)

Emergency generators shall meet the standards applicable in Chapter 170 of the Borough code. Each unit shall be contained in a sound attenuating cover that meets these standards. In addition, such enclosures shall be screened from view by landscaping. The testing required for these backup generating systems shall be confined to the hours between 9:00am and 6:00pm.

Section 5. **Section 270-5 Map.**

A. The Zoning Map entitled “Zoning Map, Borough of Allendale, Bergen County, New Jersey” prepared by Borough Engineer, John J. Yakimik, P.E., dated May, 2014 is hereby adopted and declared to be a part of this Chapter. Said Zoning Map is hereby revised and amended by the creation of the D-1 and D-2 Zoning Districts set forth herein.

B. No change.

Section 6. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section 7. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 8. The Borough Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Bergen County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Borough clerk is further directed to publish notice of the passage thereof and to file copy of this ordinance as finally adopted with the Bergen County Planning Board as required by N.J.S.A. 40:55D-16 and with the Borough Tax Assessor.

Section 9. This ordinance shall take effect after final passage and publication as prescribed by law.

Mayor Barra opening the public hearing on Ordinance 14-11.

Angelo Congello; 13 Hamilton Street, Allendale, NJ

Mr. Congello asked if the repealer section of the Ordinance has effect going back to 1967.

Mr. Bole responded by saying the partial repealer clause is designed to limit inconsistencies in the Ordinance because what is being adopted is designed to amend and supplement the current code.

Mr. Congello asked about the existing code that regulates lighting restrictions and requirements on properties. He specially asked whether the Ordinance up for consideration would deem any of the current lighting requirements inconsistent. If so, he requested that the governing body reconsider those sections.

Mr. Bole indicated that nothing in Ordinance 14-11 addresses lighting, or would deem current lighting requirements inconsistent. Mr. Bole further stated that the primary purpose of the Ordinance is to amend and supplement the permitted uses in the applicable zone.

Mayor Barra indicated that it is the intent of the Ordinance to address permitted uses and *not* lighting as indicated by Mr. Bole.

Mr. Congello asked if the Bergen County Blue laws would still be in effective for new permitted uses.

Mayor Barra indicated that the County regulation with regard to Blue Laws would supersede any local regulation on hours of operation.

Robert Brown; 601 Whitney Lane, Allendale, NJ

Mr. Brown asked what type of industry the Borough would be seeking to allow by passing the Ordinance.

Mayor Barra indicated that the new uses have been enumerated in the Ordinance, but that the basic purpose was to keep the list of uses updated. With time the permitted uses in the zone had

become outdated. The Land Use Committee decided to update the ordinance by implementing and establishing new, cleaner, modern, more professional permitted uses.

Mr. Brown went on to expressed some concern about the Hopper/Chestnut Street intersection.

Councilman Strauch indicated that the area in question is actually considered a D-2 Zone which will actually be losing some outdated uses, but not gaining any additional one. The D-1 Zone, as they have now been separated, will lose some and gain some.

With no one else coming forward Mayor Barra closed the public hearing without objection.

Councilman Strauch made a motion to adopt Ordinance 14-11; Seconded by Councilwoman Wilczynski.

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

Resolutions Off Consent

Mr. Casais read the following Resolution into the record:

RESOLUTION 14-192: INTRODUCTION OF ORDINANCE 14-12

Be It Resolved that Ordinance 14-12, “AN ORDINANCE TO MANDATE DIRECT DEPOSIT FOR MUNICIPAL EMPLOYEES BY THE BOROUGH OF ALLENDALE PURSUANT TO C. 52:14-15f *et. seq.*” 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 26th day of June, 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 adopt Resolution 14-192; Seconded by Councilman Sasso.

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

Consent Agenda

RESOLUTION 14-180: APPOINTMENT OF SUMMER INTERNS AT 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 Michelle Lynn Scrofani and Christine Anna Scherb be appointed to unpaid summer internships at the Allendale Police Department effective May 23, 2014; and,

Be It Further Resolved that these abovementioned individuals shall not work more than twenty (20) hours per week.

RESOLUTION 14-181: 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 June 12, 2014.

RESOLUTION 14-182: AUTHORIZATION TO ADVERTISE BID SPECIFICATIONS FOR IVERS ROAD, WEST ALLENDALE AVENUE, CENTRAL AVENUE, AND ERIE PLAZA IMPROVEMENTS

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 Ivers Road, West Allendale Avenue, Central Avenue, and Erie Plaza Improvements; and,

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

RESOLUTION 14-183: AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH ROCKLAND ELECTRIC COMPANY FOR BOROUGH'S USAGE OF THE STREETLIGHT MONITORING SYSTEM

Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby authorizes the Mayor to sign an agreement with Rockland Electric Company (RECO) for the Borough's usage of RECO's streetlight monitoring system.

RESOLUTION 14-184: REFERRING A PERSONNEL-DISCIPLINARY APPEAL TO THE FINANCE, ADMINISTRATION, AND HR COMMITTEE

Whereas, the current contract between Teamsters Local Union 11 and the Borough of Allendale permits union members to petition the Mayor and Council as aggrieved; and,

Whereas, a disciplinary matter has arisen and has been appealed to and for the consideration Mayor and Council.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that it does hereby refer the aforementioned appeal to the Council's Committee on Finance, Administration, and HR; and,

Be It Further Resolved that the Finance, Administration, and HR Committee be and is hereby directed by the Governing Body to consider, debate, and act in its stead with regard to the aforementioned appeal and disciplinary action.

RESOLUTION 14-185: REDEMPTION OF TAX SALE CERTIFICATE

Whereas, a Redemption has occurred, Block 1709 Lot 18, Certificate #11-00003; and,

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that the Tax Collector is hereby authorized to refund a check in the amount of \$52,694.85 which includes the redemption amount on the certificate of \$35,694.85 and the return of premium in the amount of \$17,000.00 to the following:

Tower Fund Services-Custodian for
Ebury Fund 1 NJ LLC
PO Box 37695
Baltimore, MD 21297-3695

RESOLUTION 14-186: SUPPORTING PASSAGE OF ASSEMBLY BILL A900

Whereas, sediment, debris, garbage, brush and trees that accumulate in our waterways contributes to serious flooding that causes property damage and threatens personal safety; and,

Whereas, restrictions on stream cleaning, de-silting and de-snagging projects by counties or municipalities are currently onerous and restrictive; and,

Whereas, Assembly Bill A900 will allow municipalities and counties to properly, quickly, and economically clean and de-silt streams to help prevent flooding.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that it does hereby support A900 and urge quick action be taken on it to help relieve the flooding issues that occur throughout New Jersey; and,

Be It Further Resolved that copies of this resolution be forwarded to the Assembly Environmental and Solid Waste Committee; Assemblyman Scott Rumana; Assemblyman David Russo; the New Jersey State League of Municipalities; and all Bergen County Municipalities.

RESOLUTION 14-187: APPROVING INSERTION OF AN ITEM IN THE 2014 BUDGET FOR CLEAN COMMUNITIES PROGRAM GRANT IN THE AMOUNT OF \$11,331.12

Whereas, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and,

Whereas, the Director may also approve the insertion of an item of appropriation for equal amount.

Now, Therefore, Be It Resolved, Mayor and Council of the Borough of Allendale in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$11,331.12, which is now available from the State of New Jersey, Clean Communities Grant; and,

Be It Further Resolved, that the like sum of \$11,331.12 is hereby appropriated under the caption Clean Communities; and,

Be It Further Resolved, that the Borough Clerk shall forward two certified copies of this resolution with enclosures to the Director of the Division of Local Government Services.

**RESOLUTION 14-188: AUTHORIZATION TO ADVERTISE BID
SPECIFICATIONS FOR GEORGE STREET AND WEHNER
PLACE ROADWAY AND DRAINAGE IMPROVEMENTS**

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 George Street and Wehner Place Roadway and Drainage Improvements; and,

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

**RESOLUTION 14-189: AUTHORIZING THE MAYOR AND CLERK TO SIGN A
DEVELOPER'S AGREEMENT WITH TRINITY
EPISCOPAL CHURCH**

Whereas, a Developer's Agreement between the Borough of Allendale and Trinity Episcopal Church has been drafted and prepared by Timothy J. Dunn II, Esq., legal counsel for the Allendale Planning Board; and,

Whereas, authorized representatives of Trinity Episcopal Church have consented to the stated agreement and have formally affixed their signatures to said document.

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 authorizes the Mayor and Municipal Clerk to sign a Developer's Agreement with Trinity Episcopal Church as the agreement exists in its current form on file.

**RESOLUTION 14-190: 2014 CRESTWOOD LAKE SALARY RESOLUTION -
SUPPLEMENT TWO**

Whereas, on May 8, 2014 the Governing Body adopted its annual Crestwood Lake Salary Resolution; and,

Whereas, the Governing Body now wishes to authorize and add additional names with corresponding rates for 2014 employment at Crestwood Lake.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that the following salaries are hereby approved for the Crestwood Lake Swim Club 2014 Season as follows:

<u>Lifeguard</u>	Hourly Rate
-------------------------	-------------

RESOLUTION 14-194: **Renewal of ABC Liquor Licenses for 2014-2015**

Whereas, all Plenary Retail Consumption, Retail Distribution, Limited Distribution and Club Licenses will expire on June 30, 2014; and,

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

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that the Borough Clerk be and is hereby authorized to issue licenses to expire June 30, 2015, to the following:

PLENARY RETAIL CONSUMPTION LICENSES - \$2,500.00

0201-33-001-002	Allendale Bar & Grill, Inc. t/a Allendale Bar & Grill	67 West Allendale Avenue Allendale, NJ 07401
0201-33-007-009	Friends & Family LLC t/a Restaurant L	9 Franklin Turnpike Allendale, NJ 07401

PLENARY RETAIL DISTRIBUTION LICENSES - \$2,500.00

0201-44-003-005	Allendale Liquors, Inc. t/a Allendale Wine Shoppe	101 West Allendale Avenue Allendale, NJ 07401
0201-44-005-004	The Great Atlantic & Pacific Tea Company t/a A&P Fresh	45 West Allendale Avenue Allendale, NJ 07401

Councilman Strauch made a motion to adopt all items on the Consent Agenda; Seconded by Councilwoman White.

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

Unfinished Business

None

New Business

None

Committee Reports and Comments

Councilwoman McSwiggan

- No Report

Councilman Bernstein

- No Report

Councilman Strauch

- Had a phone conference with Julie, the Borough's Technical Assistant in the Construction Office
- There are various issues in the works with the Land Use Committee which will be worked on in the coming months

Councilwoman White

- No Report

Councilwoman Wilczynski

- The 9/11 Steel is still in the process of being worked on
- The Borough received news that it will be able to move forward with dredging Upper Pond
- The Allendale Green Team secured enough points to be designated at the Bronze Level and they are looking to attain the Silver Level within the next year. This opens the Borough up to new grant opportunities.

Councilman Sasso

- The DPW Committee will meet on Friday, June 20th
- The Borough will begin to pave another record number of roads on or about July 7th
- E-Mail alerts will be sent out to residents who request updates about the road program

Borough Attorney, Mr. Bole

- No Report

Borough Clerk & Administrative Officer, Mr. Casais

- Stated that the 2014 Regular Primary Election was held on June 3rd without issue and that all materials have been returned to the Bergen County Board of Elections.

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.

Closed Session

Mr. Casais read the following Closed Session Resolution 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. Pending Litigation (GRC Complaint)
Michael A. D'Antonio v. Borough of Allendale

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

Now, Therefore, Be It Resolved that the public be excluded from this meeting.

On a motion by Councilwoman White the Council unanimously voted to adopt the Closed Session Resolution and enter Closed Session at 8:47 p.m.

Adjournment

The Council returned to open session and on a motion by Councilwoman White the meeting adjourned at 8:56 p.m. by unanimous consent.

Respectfully submitted,

Andrew Casais
Municipal Clerk