

Regular Session Meeting  
Mayor and Council  
March 27, 2014

A Regular Session meeting of the Borough Council was held in the Municipal Building on March 27, 2014. The meeting was called to order at 8:00 p.m. by Mayor Barra who announced that the requirements of the Open Public Meetings Act were met by the required posting and notice of publications.

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

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

*Approval of Minutes*

Councilman Strauch moved the Executive Session minutes of February 19, 2014 for approval; Seconded by Councilman Sasso.

On Roll Call – Aye: Sasso, Strauch, White, Nay: None. Abstain: Wilczynski

Councilman Strauch moved the Work and Regular Session minutes of March 13, 2014 for approval; Seconded by Councilwoman White.

On Roll Call – Ayes: Sasso, Strauch, White, Wilczynski. Nays: None. Abstain: 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 into the record: Ordinance 14-04; An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank.

**ORDINANCE 14-04: CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

**Whereas**, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**Whereas**, N.J.S.A. 40A:4-45.15.a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**Whereas**, the Borough Council of the Borough of Allendale in the County of Bergen finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**Whereas**, the Borough Council hereby determines that a 3.0% increase in the budget for said year, amounting to \$239,856.15 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**Whereas**, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**Now, Therefore, Be It Ordained**, by the Borough Council of the Borough of Allendale, in the County of Bergen, State of New Jersey, that a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Borough of Allendale shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.50%, amounting to \$279,832.18, and that the CY 2014 municipal budget for the Borough of Allendale be approved and adopted in accordance with this ordinance; and,

**Be It Further Ordained**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**Be It Further Ordained**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**Be It Further Ordained**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mayor Barra opened the public hearing on Ordinance 14-04.

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

Councilwoman White made a motion to adopt Ordinance 14-04; Seconded by Councilman Sasso.

On Roll Call – Aye: Sasso, Strauch, White, Wilczynski. Nay: None.

Motion Carried.

Mr. Casais read the following into the record: Ordinance 14-05; An Ordinance Amending and Supplementing Chapter 228 of the code of the Borough of Allendale entitled “Solid Waste” with the addition of Section 3.1 to be entitled “Compost Permits and Fees”.

**ORDINANCE 14-05: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 228 OF THE CODE OF THE BOROUGH OF ALLENDALE ENTITLED “SOLID WASTE” WITH THE ADDITION OF SECTION 3.1 TO BE ENTITLED “COMPOST PERMITS AND FEES”**

**Be It Ordained**, by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that Chapter 228 of the Code of the Borough of Allendale be amended and supplemented by the addition of Section 3.1 entitled “Compost Permits and Fees” with the following content:

Chapter 228: Solid Waste

Article I: Separation and Collection of Recyclables

**Section 3.1: Compost Permits and Fees**

**A. Allendale Borough residents wishing to utilize the municipal composting facilities of the Borough pursuant to Chapter 228 of Borough Code shall, in person, apply and secure an annual permit to and from the Borough Clerk subject to the following provisions:**

- (1) The issuance of such permits shall be limited to legal residents of the Borough of Allendale;**
- (2) Documentation and information including but not limited to the license plate number of the primary vehicle to be used to transport compost, and a valid driver’s license or other such identification as required for residential verification may be requested by the Borough prior to issuance;**
- (3) A fee of \$30.00 shall be charged in exchange for said permit**

**B. All permits shall be non-transferrable and may not be used by anyone except the applicant securing the permit**

**C. Disposal of compost by contractors, landscapers, or any business, even if that business is resident-owned, shall be prohibited**

Mayor Barra opened the public hearing on Ordinance 14-05.

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

Councilwoman White made a motion to adopt Ordinance 14-05; Seconded by Councilwoman Wilczynski.

On Roll Call – Aye: Sasso, Strauch, White, Wilczynski. Nay: None.

Motion Carried.

*Resolutions*

*Consent Agenda*

**RESOLUTION 14-113: 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 March 27, 2014.

**RESOLUTION 14-114: APPROVAL OF 2014 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 26, 2014 at 9:30 a.m.

**RESOLUTION 14-115: RETURN OF WATER OVERPAYMENTS**

**Be It Resolved**, by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that the Water Collector is hereby authorized to issue the following refund checks for overpayments on the accounts listed below and charge same to Water Rents for 2014:

<b>Account Number</b>	<b>Name/Address</b>	<b>Amount</b>
31109761358987	Lorico, 75 Commerce Dr.	\$621.13
3111435152532	Lynn Brooks	\$43.55

**RESOLUTION 14-116: ACCEPTING VORTEX SLIDE DESIGN & SPECIFICATIONS**

**Be It Resolved** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby accepts the design and specifications (attached hereto) for a the installation of a Vortex slide.

**RESOLUTION 14-117:           RELEASING CLAIMS AND LIABILITIES FOR THE 2007  
SAFE ROUTES TO SCHOOLS**

**Be It Resolved** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby releases the State of New Jersey and the New Jersey Department of Transportation, their agents, officers and employee, from all claims and liabilities arising from work done or services performed under the Safe Routes to School Infrastructure Project Agreement; and,

**Be It Further Resolved** that the Mayor is hereby authorized to sign a letter addressed to representatives of the New Jersey Department of Transportation indicating the same, and that such foregoing action is hereby ratified.

**RESOLUTION 14-118:            AUTHORIZING EMERGENCY TEMPORARY BUDGET  
   APPROPRIATIONS**

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

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

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

<b>Current Fund</b>	
Tax Collection, O.E.	2,000
Police, O.E.	7,000
Streets & Roads, O.E.	2,000
Animal Control, O.E.	1,000
Crestwood, O.E.	15,000
Gas Heat, O.E.	11,000
<b>Total Current Fund</b>	<b>\$38,000</b>

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

**RESOLUTION 14-119:            APPROVAL OF TAX APPEAL VILLANOVA MORTGAGE CO., LLC V. ALLENDALE**

**Whereas**, the tax payers, Villanova Mortgage Co., LLC appealed the assessment levied on Block 910, Lot 8 for the years 2012 and 2013; and,

**Whereas**, the subject is a residential property located at 95 West Crescent Avenue; and,

**Whereas**, the Plaintiffs were represented by counsel; and,

**Whereas**, the Borough's expert appraiser inspected the property and issued preliminary a report; and,

**Whereas**, the appraiser and the assessor have agreed to compromise the appeal on the following terms: for 2012 the assessment on the property shall be reduced from \$345,200 to \$320,000 and the 2013 assessment will be further reduced to \$320,000; 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 Villanova Mortgage Co., LLC 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.

**Resolution 14-120:    Authorization to Advertise Bid Specifications for Crestwood Concessionaire Services**

**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 concessionaire services at Crestwood Lake; and,

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

**Resolution 14-121:    Entering Into a Lightning Detection Service Agreement with the Borough of Waldwick**

**Whereas**, the Borough of Allendale has acquired a lightning detection system; and,

**Whereas**, the Borough of Allendale, the Borough of Waldwick, and the Waldwick Board of Education agree that it would be beneficial to share in the base service of this system for the benefit of the respective entities and constituent populations.

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that the Mayor and Borough Clerk are hereby authorized and directed to sign the agreement (hereto attached) with the Borough of Waldwick and the Waldwick Board of Education for lightening detection services.

**RESOLUTION 14-122: APPROVAL OF RAFFLE LICENSE APPLICATION RA: 398**

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby approves Raffle License Application No. RA: 398 as follows:

Applicant:                    Allendale Foundation for Educational Excellence

Address:                      P.O. Box 243, Allendale, New Jersey, 07401

Date of Raffle:    May 30, 2014

Type:                            On Premise 50/50 Draw Raffle

Place:                            298 Hillside Avenue, Allendale, NJ 07401

Proceeds:                      Devoted to the Allendale Foundation for Education Excellence; Mission is to provide resources to enhance enrich and broaden the Pre-K through 8<sup>th</sup> Grade educational experience at Hillside and Brookside Schools

All Resolutions on the Consent Agenda were moved for approval by Councilwoman Wilczynski. Seconded by Councilman Strauch.

On Roll Call – Yeas: Sasso, Strauch, White, Wilczynski. Nays: None.  
Motion Carried.

*Unfinished Business*

None

*New Business*

None

*Committee Reports and Comments*

Councilman Strauch

- The Land Use Committee met this morning and made progress on many items. They hope to have the ML-4 and ML-8 items up before the Council at the April 10<sup>th</sup> meeting.
- At the Planning Board request we will be starting the process of adopting the Circulation Element into our Master Plan.
- Also working on the Pastafino's situation in which we made some progress on the safety issue with the tarp, that is now secure, and hoping to get the situation taken care in near future.
- The next Land Use meeting is Thursday morning April 24<sup>th</sup>.

Councilwoman White

- The Administration, Finance and Personnel committee will be meeting on April 1<sup>st</sup>.
- Our new website is migrating the data from our current website to our new website. The committee is happy with progress and how it looks. Hopefully we will be getting up and running in the near future. Just a reminder everybody to be ready to update your information on the new website.
- The Fyke Nature Association has invited Carol Stanko from the New Jersey DEP to speak about the Deer Management Issue at their meeting on Thursday, May 29<sup>th</sup>.

Councilwoman Wilczynski

- The DPW is working feverishly hard and making a lot of progress on the opening of Crestwood Lake and the fields.
- The Green Team is already submitting some points to the state and is hoping to get their certification by November of this year. Their next meeting is on Wednesday.

Councilman Sasso

- No report. The DPW has been too busy to meet so they are scheduled to meet again on April 11<sup>th</sup> at 7:30 am.

*Staff Reports*

Borough Attorney, Mr. Bole

- No Report



Borough Clerk, Mr. Casais

- We will begin issuing compost permits on April 1<sup>st</sup> with the facility opening on April 5<sup>th</sup>. A Swiftreach was sent out to inform the residents.
- Dog Licenses went from 180 dog's unlicensed dogs to about 70 which is significant drop.
- Due to the fact that the Dog Licensing has not been too greatly enforced in the past, I would like to institute a grace period this year and move the summons effective date from April 1<sup>st</sup> to May 1<sup>st</sup>.

*New Business*

Councilwoman White made a motion to institute a grace period for the Dog Licensing summons from April 1<sup>st</sup> to May 1<sup>st</sup> ; Seconded by Councilwoman Wilczynski.  
On Roll Call – Aye: Sasso, Strauch, White, Wilczynski. Nay: None.  
Motion Carried.

- Mr. Casais added that his Deputy Municipal Clerk, Coleen Goddel will be taking the Elections Administration Class for the next few weeks as part of the RMC certification process.

*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

*Adjournment*

On a motion by Councilwoman White, seconded by Mayor Barra, the Council voted unanimously to adjourn at 8:16 p.m.

Respectfully submitted,

Andrew Casais  
Municipal Clerk