

May 9, 2013

A Regular meeting of the Borough Council was held in the Municipal Building on May 9, 2013. The meeting was called to order at 8:02 p.m. by Mr. 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 Council members answered roll call: Mr. Bernstein, Ms. LaMonica, Mrs. McSwiggan, Mr. Strauch, Mrs. White, Mrs. Wilczynski and Mayor Barra. Also present were Mrs. McCarthy and Mr. Bole.

Approval of Minutes

Mrs. McSwiggan moved, seconded by Mr. Strauch, to approve the Regular Session minutes of April 17 and April 25, 2013. Mr. Bernstein and Mrs. White abstained from the meeting of April 17th but voted in favor of the minutes of April 25th. All other Council members voted in favor.

Public Hearings for Advertised Ordinances

Ordinance 13-10 Rezoning of Properties and Amendment of the Zoning Map

Resolution 13-260 – Introduced by Mr. Strauch, seconded by Mr. Bernstein

Mayor Barra opened the meeting to the public for comments.

Mr. John Koster asked which area of the Borough was being rezoned.

Mr. Barra responded that these properties consist of three zones that were previously scheduled to be Mt. Laurel townhouse units. They are located behind Hillside School, behind the Episcopal Church and on Arlton Road. The Hillside School and Episcopal Church properties were removed from the COAH plan completely and they are reverting back to the AAA zone. The Arlton Road property is reverting back from multi-family to residential zoning. Under COAH Round Three those properties will allow for eight market rate single family houses and two affordable residences.

Be It Resolved that an Ordinance entitled 13-10, “An Ordinance to Amend Chapter 270 of the Code of the Borough of Allendale” be passed upon second and final reading and that the Borough Clerk be and she is hereby authorized and directed to advertise the same according to law.

On roll call, all Council members voted in favor.

Ordinance 13-11 Procedures to Utilize Off-Duty Police Officers

Mr. Barra noted that the Ordinance had been amended on page three, section seven, second line, changed from 72 hours to 48 hours, and the fourth line from Section 26-31 to Section 26-32.

Resolution 13-261 – Introduced by Mrs. McSwiggan, seconded by Mrs. White

The meeting was opened to the public for comments. There were none.

Be It Resolved that an Ordinance entitled 13-11 “An Ordinance to Amend Chapter 26 of the Code of the Borough of Allendale Entitled ‘Departments’ “ be passed upon second and final reading and that the Borough Clerk be and she is hereby authorized and directed to advertise the same according to law.

On roll call, all Council members voted in favor.

Public Comments

Mr. Barra opened the meeting to the public for comments on any agenda items.

Mr. James Thomas of 30 Arlton Avene said he has been asked by neighbors and others to enter a statement into the record.

Mr. Thomas said that on April 17th he asked the Council to proceed immediately with action regarding the farm on East Crescent Avenue. Tonight just twenty-two days later the Council has voted affirmatively on the second reading of an ordinance which prohibits multi-unit buildings on that site. He commended the Council and the Planning Board for acting quickly and decisively on this issue. He thanked them on behalf of his neighbors and residents of the community.

Due to the urgency of the matter, however, Ordinance 13-10 is not responsive to the petitioners’ specific request. It does not remove the property from the COAH plan or return it to its former zone classification. He asked for the Council to view the petition as still being active and to consider it on an agenda in the near future.

Recognition of Layne Simon for Twenty Five Years of Service to the Borough of Allendale

Mayor Barra said that Layne Simon has been an employee of the Department of Public Works and the Water Department for twenty-five years and the Council wants to recognize him for his service. Mr. Barra gave the Municipal Engineer a gift to present to Mr. Simon tomorrow.

Mr. Yakimik said he will give the gift to Mr. Simon and he is certain he will appreciate receiving it.

Resolutions

Resolution 13-262 – Introduced by Mrs. McSwiggan, seconded by Mr. Strauch

Whereas, it is necessary for the protection of the public health and safety for the Borough to conserve water;

Now, Therefore, Be It Resolved by the Governing Body pursuant to Section 262-23A of the Code, that Phase 1 water restrictions are deemed effective May 13, 2013; and

Be It Further Resolved that lawn and garden watering with both automatic and hose sprinklers are limited to the following schedule:

1. Odd house numbers: Wednesday, Friday and Sunday;
2. Even house numbers: Tuesday, Thursday and Saturday.
3. No watering is permitted on Monday

Be It Further Resolved that the Municipal Clerk shall cause an appropriate notice to be placed on the Borough web site.

Consent Agenda

Resolution 13-264 – Introduced by Mrs. White, seconded by Mr. Strauch

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 April 25, 2013.

On roll call, all Council members voted in favor.

Resolution 13-265 – Introduced by Mrs. White, seconded by Mr. Strauch

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 2013 Taxes:

Block/ Lot	Name	Property Location	Amount
1604/28	Maack, John 7 Wehner Place Allendale, NJ 07401	7 Wehner Place	\$123.64

On roll call, all Council members voted in favor.

Resolution 13-266 – Introduced by Mrs. White, seconded by Mr. Strauch

Whereas, a Redemption has occurred, Block 1303 Lot 3, Certificate # 12-00001,

Now, Therefore, Be It Resolved, by Resolution of the Governing Body of Allendale, the Tax Collector is hereby authorized to refund a check in the amount of \$43,457.61 which includes the redemption amount on the certificate of \$23,457.61, and the return of premium in the amount of \$20,000.00 to the following:

MTAG Services as Custodian for
ATCF II NEW JERSEY LLC
PO Box 54292
New Orleans, LA 70154-4292

On roll call, all Council members voted in favor.

Resolution 13-267 – Introduced by Mrs. White, seconded by Mr. Strauch

Now, Therefore, Be It Resolved that the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that the following individual be appointed as Laborer/Mechanic:

Name	Department	Appointment Date	Salary Increase
Daniel Richards	Public Works	January 1, 2013	\$7200/year

On roll call, all Council members voted in favor.

Resolution 13-267 – Introduced by Mrs. White, seconded by Mr. Strauch

Now, Therefore, Be It Resolved that the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that the following individual be appointed as Laborer/Mechanic:

Name	Department	Appointment Date	Salary Increase
Daniel Richards	Public Works	January 1, 2013	\$7200/year

On roll call, all Council members voted in favor.

Resolution 13-268 – Introduced by Mrs. White, seconded by Mr. Strauch

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, the 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 2013 in the sum of \$25,000, which is now available from the Bergen County Municipal Joint Insurance Fund Police Accreditation Grant Program, in the amount of \$25,000.

Be It Further Resolved that the above is the result of funds from the Municipal Joint Insurance Fund Police Accreditation Grant Program in the amount of \$25,000.

On roll call, all Council members voted in favor.

Resolution 13-269 – Introduced by Mrs. White, seconded by Strauch

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 #386 as follows:

Guardian Angel Church
On premises 50/50 Raffle
June 15, 2013
10:00 p.m.
Raffle Location: Guardian Angel Church

Prize: 50% of cash proceeds

On roll call, all Council members voted in favor.

Resolution 13-270 – Introduced by Mrs. White, seconded by Mr. Strauch

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 #387 as follows:

Guardian Angel Church
June 12 through 15, 2013
On premises non-draw raffles
6:00 p.m. to 10:00 p.m.
Raffle Location: Guardian Angel Church

Games to include: Crazy Cans, Fat Cap, Hoop Shot, Candy Wheel, ABC Block, Darts, Shuffleboard, Water Race, Frog Bog and Goblet Toss.

Prizes: \$1 to \$20 in plush, novelties and candy.

On roll call, all Council members voted in favor.

Resolution 13-271 – Introduced by Mrs. White, seconded by Mr. Strauch

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 2013 Season as follows:

Lifeguards

Caitlin Grady \$ 9.00/hour

Head Lifeguard

Mike McCabe \$ 15.00/hour

On roll call, all Council members voted in favor.

Resolution 13-272 – Introduced by Mrs. White, seconded by Mr. Strauch

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, the 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 2013 in the sum of \$25,000, which is now available from the Bergen County Municipal Joint Insurance Fund Police Accreditation Grant Program, in the amount of \$25,000.

Be It Further Resolved that the above is the result of funds from the Municipal Joint Insurance Fund Police Accreditation Grant Program in the amount of \$25,000.

On roll call, all Council members voted in favor.

Resolution 13-273 – Introduced by Mrs. White, seconded by Mr. Strauch

Whereas, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

Whereas, NJSA 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider; and

Now, Therefore, Be It Resolved by the Borough of Allendale, County of Bergen, New Jersey, as follows:

1. The Borough Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of NJSA 40A:4-39, as amended by P.L. 1999, c292, for the exclusive purpose of depositing and expending funds paid by individuals to offset the costs of operating municipal “fee based” recreation programs.

2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

On roll call, all Council members voted in favor.

Committee Reports

Water and Sewer

Mrs. McSwiggan said the Water and Sewer Committee met this week and they had a lengthy agenda. At that time they made a decision about implementing the Water Restrictions which the Council voted to approve this evening.

Mrs. McSwiggan said the transition with United Water is going very smoothly. They are getting to know our system and looking at records and we will be meeting with them again next week.

Public Safety

Mr. Bernstein did not have a report.

Land Use and Construction Code

Mr. Strauch reported that the Land Use Committee will be meeting on Friday, May 17th at 8:30 a.m. at the Borough Hall.

Public Works

Mrs. White said the DPW Committee had a lengthy meeting this week.

She announced that the walk to school day will be held on Friday, May 10th.

Personnel, Finance and Human Resources

Ms. LaMonica said that her Committee will meet on Tuesday, May 14th at 8:00 a.m.

Facilities, Parks and Recreation

Mrs. Wilczynski said her Committee is busy with the opening of Crestwood Lake.

The lightning detection system was flashing on Wednesday, so she is able to confirm that it works properly.

A new agent is being used in the Lake this year and it looks very promising. Instead of putting chemicals in, this agent will eat organic material and should keep the Lake cleaner. It should also help to avoid any potential snail problem. An aerator will also be added to make the agent work more efficiently.

There is a new batting cage at Crestwood Park thanks to Mr. Bob Pash. It will service fields five and six which are located near the tennis courts.

Municipal Attorney

Mr. Bole did not have a report.

Municipal Clerk

Mrs. McCarthy said William and Tabitha Ferrara who used to live on West Maple Avenue in Allendale, have donated a very large, framed photograph of Crestwood Lake in 1932.

Council members indicated they would like to have the photograph displayed in the Council Chambers along with other photographs of Crestwood from previous years.

On a motion by Mr. Strauch, seconded by Mrs. Wilczynski, the Council voted unanimously to adjourn at 8:30 p.m.

Respectfully submitted,

Gwen McCarthy
Municipal Clerk