

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
October 13, 2016

PRESENT: Mayor Elizabeth White and Councilmembers Ari Bernstein, Liz Homan, Jackie McSwiggan, Steve Sasso, and Amy Wilczynski

ABSENT: Councilmember Jim Strauch

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 October 13, 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.

Approval of Minutes:

Motion by Councilwoman Wilczynski, second by Councilman Sasso, that the Minutes of September 22, 2016 Work Session and September 22, 2016 Regular Session, are approved.

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

Councilman Bernstein:	aye	Councilman Sasso:	aye
Councilwoman Homan:	abstain	Councilman Strauch:	absent
Councilwoman McSwiggan:	abstain	Councilwoman Wilczynski:	aye

Public Comment

No one came forward.

Public Hearings for Advertised Ordinances:

Ordinances 16-22 & 16-23

The Borough Clerk read into the record:

The following ordinances published herewith were first read by title only on August 25, 2016 and posted on the bulletin board of the municipal building.

ORDINANCE 16-22 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, ZONING, CHAPTER 270

ORDINANCE 16-23 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE CHAPTER 270 OF THE CODE OF THE BOROUGH OF ALLENDALE ENTITLED "ZONING", AND, MORE

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PARTICULARLY, SECTION 270-40 THEREOF, ENTITLED "OFF-STREET PARKING REQUIREMENTS"

Mayor White advised that the Planning Board has reviewed these ordinances and passed resolutions endorsing both.

Public Comments on Ordinances 16-22 & 16-23

No one came forward.

Motion by Councilman Sasso, second by Councilwoman McSwiggan, that Ordinances 16-22 and 16-23 be passed on second and final reading and are hereby adopted and notice of same shall be published according to law.

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

Councilman Bernstein:	aye	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	absent
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	aye

(See Ordinances 16-22 & 16-23, attached and made a part hereof.)

Ordinance 16-25

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on September 8, 2016 and posted on the bulletin board of the lobby of the municipal building.

ORDINANCE 16-25 – AN ORDINANCE OF THE BOROUGH OF ALLENDALE, COUNTY OF BERGEN, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 270-26 OF THE BOROUGH CODE ENTITLED "RESTRICTED USES AND ACTIVITIES"

Mayor White reported that the Planning Board has reviewed this ordinance and adopted a resolution endorsing its adoption.

Public Comments on Ordinance 16-25

No one came forward.

Motion by Councilman Sasso, second by Councilwoman McSwiggan, that Ordinance 16-25 be passed on second and final reading and is hereby adopted and notice of same shall be published according to law.

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

Councilman Bernstein:	aye	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	absent
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	aye

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(See Ordinance 16-25, attached and made a part hereof.)

Ordinance 16-26

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on September 22, 2016 and posted on the bulletin board of the lobby of the municipal building.

ORDINANCE 16-26 – AN ORDINANCE TO AMEND CHAPTER 210 OF THE CODE OF THE BOROUGH OF ALLENDALE ENTITLED “RETAIL FOOD ESTABLISHMENTS”

Public Comments on Ordinance 16-26

No one came forward.

Motion by Councilwoman McSwiggan, second by Councilwoman Homan, that Ordinance 16-26 be passed on second and final reading and is hereby adopted and notice of same shall be published according to law.

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

Councilman Bernstein:	aye	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	absent
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	aye

(See Ordinance 16-26, attached and made a part hereof.)

Consent Agenda

Motion by Councilwoman McSwiggan, second by Councilwoman Wilczynski, and all members present voting in favor, to pull Resolutions #16-256 from the Consent Agenda and conduct a separate vote.

- A. **16-254**/Approval of Bill List
- B. **16-255**/Approve Tax Appeal Settlement – 418 Main Street Associates, LLC v. Allendale
- C. ~~**16-256**/Authorize Release of Funds from Housing Trust Fund – Eastern Christian Children’s Retreat Considered Separately~~
- D. **16-257**/ Authorize Refund – Water Overpayment
- E. **16-258**/Authorize Execution of Treatment Works Approval Application – Allendale Heights
- F. **16-259**/Authorize Change Order No. 1 – 2016 Road Resurfacing Program
- G. **16-260**/Establish Halloween Curfew

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

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

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Councilman Bernstein:	aye	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	absent
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	aye

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

Resolution 16-254

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 October 13, 2016 in the amounts of:

Current Fund	\$891,658.34
General Capital	\$1,929.80
COAH/Housing Trust	\$0.00
Water Operating	\$0.00
Water Capital	\$25,790.00
Trust Fund	\$0.00
Payroll	\$154,449.55
Improvement & Beautification	\$0.00
Animal Fund	\$4,168.60
Unemployment Fund	\$0.00
Total	\$1,077,996.29

Resolution 16-255

**Approval of Tax Appeal
418 Main Street Associates, LLC v. Allendale**

WHEREAS, the tax payers, 418 Main Street Associates, LLC, appealed the assessment levied on commercial property it owned for the tax years 2015 & 2016; and

WHEREAS, the subject property is located at 385 Franklin Turnpike (Block 1808, Lot 12); 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 was warranted; and

WHEREAS, the parties have agreed to compromise the appeal on the following terms: the assessment for the 2015 & 2016 tax years shall be reduced from \$680,000 to \$580,000; and

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

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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 418 Main Street Associates, 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 16-257

Return of Water Overpayment

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 check on the account listed below and charge same to Water Rents for 2016 in connection with an overpayment:

Account Number	Name	Amount
311 7912481065	Edward Schultz 8505 E. Temple Drive Unit 439 Denver, CO 80237	\$28.58

Resolution 16-258

Authorization for Mayor to Sign
Treatment Works Approval Application

Now, Therefore, Be It Resolved that the Mayor is hereby authorized to execute the Statements of Consent Form (WQM-003) and any other application forms supplementing the NJDEP Treatment Works Approval Permit Application (Form TWA-1) for Allendale Heights of Allendale, New Jersey, Block 506, Lot 4.

Resolution 16-259

Change Order Number One – 2016 Road Resurfacing Program
NW Bergen Cooperative Program

Whereas, the Borough Engineer has requested that certain changes are needed in the 2016 Road Resurfacing Program NW Bergen Cooperative Program contract; and

Whereas, a net increase of \$7,526.43 will result from the actual quantities of work measured and performed; and

Whereas, the CFO has certified that sufficient funds are available.

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Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that Change Order Number One resulting in an increase of \$7,526.43, a 3.23% increase in the original contracted amount, be approved for the 2016 Road Resurfacing Program NW Bergen Cooperative Pricing program, resulting in a new contract amount of \$232,721.63.

Be It Further Resolved that Change Order Number One in the amount of \$7,526.43 be approved for performance by D & L Contractors, Inc., 681 Franklin Avenue, Nutley, NJ 07110.

Resolution 16-260

Halloween Curfew

Whereas, the Police Chief has requested a Halloween Curfew for children under the age of eighteen for the purpose of maintaining order beginning October 30th and extending through October 31st, 2016 to be put into effect starting at 8:00 p.m. until sunrise.

Whereas, the Governing Body believes that this curfew is in the best interest of the Borough.

Now, Therefore, Be It Resolved that a curfew shall be in place from October 30th through October 31st, 2016.

16-256/Authorize Release of Funds from Housing Trust Fund – Eastern Christian Children’s Retreat

Motion by Councilwoman McSwiggan, second by Councilwoman Homan, that Resolution #16-256 be approved.

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

Councilman Bernstein:	aye	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	absent
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	aye

Resolution 16-256

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”), and pursuant to Borough Resolution 16-78 dated January 28, 2016, entered into a February 1, 2016 agreement (the “Agreement”) with Eastern Christian Children’s Retreat (“Eastern Christian”) to provide very low income housing for those with developmental disabilities through an alternate living arrangement affordable housing program, specifically a group home at the property within the Borough known as Block 910, Lot 3 (the “Project”); and

WHEREAS, the Agreement provides, inter alia, that the Borough is to aid Eastern Christian financially in the amount of \$50,000 in the development of the Project provided all of the following have occurred: (a) the Superior Court of New Jersey enters an order approving the Agreement, and a Fair Share Housing Spending Plan which includes such expenditure; (b) the time to appeal from such order passed; (c) a certificate of occupancy for such group home has been issued; and

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WHEREAS, on September 20, 2016, the Superior Court of New Jersey entered an order (the “September 20, 2016 order”) approving (1) the Agreement; (2) the Borough’s Third Round Second Amended Spending Plan dated August 18, 2016 (“Amended Spending Plan”) which Amended Spending Plan included the payment of \$50,000 to Eastern Christian pursuant to the Agreement and (3) the Borough’s payment of \$50,000 to Eastern Christian from the Borough’s affordable housing trust funds pursuant to the Amended Spending Plan; and

WHEREAS, the twenty (20) days within which to file an interlocutory appeal from the September 20, 2016 order expired on October 13, 2016, and the Borough having no knowledge as of the passage of this Resolution that any interlocutory appeal from the September 20, 2016 order has been filed; and

WHEREAS, a Certificate of Occupancy for such group home as heretofore been issued by the Borough to Eastern Christian; and

WHEREAS, all the requirements and conditions in the Agreement for payment of \$50,000 by the Borough to Eastern Christian having been satisfied; and

Whereas, the CFO has certified that sufficient funds are available.

NOW, THEREFORE, BE IT RESOLVED that payment of said \$50,000 by the Borough to Eastern Christian from the Borough’s affordable housing trust funds be made, and that the Mayor, the Borough Clerk and the Chief Financial Officer be and hereby are authorized to take any and all necessary and proper actions to effectuate such payment.

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:

This agenda item was addressed during the Work Session.

Public Comment on any issue:

No one came forward.

Closed Session:

Mayor White read into the record Resolution 16-261.

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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 work session.

There being no further business to come before the Council, on a motion from Councilman Sasso, seconded by Councilwoman Homan, 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 Sasso, second by Councilwoman McSwiggan, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:27 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk