

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
October 22, 2015

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 October 22, 2015. The meeting was called to order at 8:06 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 McSwiggan, second by Councilwoman Wilczynski, that the Minutes of October 8, 2015 Work Session, October 8, 2015 Regular Session and October 8, 2015 Closed Executive Session (not to be released) are 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

Public Comment on any agenda item:

There were no comments from the public.

Introduction of Ordinances:

Motion by Councilman Bernstein that the following ordinance be introduced and passed on first reading and setting November 12, 2015 at 8:00 p.m. or as soon thereafter as the as the matter can be heard as the date and time in the Council Chambers of the Allendale Municipal Building as the place for a hearing on said ordinance. Second by Councilwoman McSwiggan.

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

ORDINANCE 15-26 – AN ORDINANCE TO ESTABLISH CHAPTER 61 OF THE CODE OF THE BOROUGH OF ALLENDALE ENTITLED "PROPERTY TAXES, PAYMENT"

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
October 22, 2015

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 15-26, attached and made a part hereof.)

Consent Agenda

- A. **15-294**/Approval of Bill List
- B. **15-295**/Approve Submission of Grant Application & Execution of Grant Agreement – NJDOT – West Maple Avenue (Section 2) Project
- C. **15-296**/Authorize Capital Alternatives Corporation to Submit Application to NJ DOT – 2016 LAIF (Discretionary Aid) Project – West Maple Avenue (Section 2)
- D. **15-297**/Establish Halloween Curfew
- E. **15-298**/Promote Human Trafficking Awareness & Prevention
- F. **15-299**/Award Contract – West Allendale Avenue (Sec. 5), Erie Plaza (Sec. 2), & Park & Ride Lot Improvements
- G. **15-300**/Appoint Legal Counsel – Walters, et al. v. Northern Highlands Regional High School Board of Education, et al., Docket No: BER-L-8862
- H. **15-301**/Accept Donation & Execute Agreement – Firefighting Foam
- I. **15-302**/Rescind Phase 2 Water Restrictions
- J. **15-303**/Appoint Administrative Assistant
- K. **15-304**/Appoint Deputy Municipal Clerk
- L. **15-305**/Recommend Contract Award to NJDOT – West Allendale Avenue (Sec. 5), Erie Plaza (Sec. 2), & Park & Ride Lot Improvements

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

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.

Resolution 15-294

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 22, 2015 in the amounts of:

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
October 22, 2015

Current Fund	\$1,272,238.21
Capital	\$24,469.67
Housing Trust	\$2,866.40
Trust Fund	\$1,740.50
Dog Fund	\$3.60
Recycling Trust	\$543.30
Water Capital	\$6,025.00
Payroll	\$206,439.64
Total	\$1,514,326.32

Resolution 15-295

Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the West Maple Avenue (Section 2) project.

WHEREAS, the Borough of Allendale is requesting funding from the New Jersey Department of Transportation Local Aid Infrastructure Fund Program.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Allendale formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as LAIF-2016-West Maple Avenue (Section 2)-00029 for Allendale Borough to the New Jersey Department of Transportation on behalf of the Borough of Allendale.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Allendale and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution 15-296

BE IT RESOLVED by the Mayor and Council of the municipality of ALLENDALE that application is made to the Commissioner of Transportation for aid under the New Jersey Trust Fund Authority Act for:

**2016 LAIF (Discretionary Aid) project- West Maple Avenue
(Section 2)-00029**

WHEREAS, the Council has determined that such application(s) should be prepared by Capital Alternatives Corporation, the grants specialists engaged by the municipality for assistance in such matters.

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
October 22, 2015

RESOLVED, that Capital Alternatives Corporation is authorized to prepare, assemble, and submit the necessary documentation on behalf of the municipality of ALLENDALE for the stated project(s).

Resolution 15-297

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, 2015 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, 2015.

Resolution 15-298

WHEREAS, Human Trafficking, modern slavery, is a 365 days a year horrific crime that takes place at the local level and can most effectively be stopped by an abolitionist movement in every municipality in the State.

WHEREAS, Human Trafficking occurs when a person is recruited, harbored, obtained, or exported through force, fraud, or coercion for the purposes of sexual or labor exploitation, involuntary servitude, and other types of mental and physical enslavement; and

WHEREAS, Human Trafficking is modern slavery, a crime that is in direct opposition to the fundamental principles of liberty and human rights upon which our nation was founded and a violation of the 13th Amendment to the United States Constitution, which was ratified in 1865; and

WHEREAS, human traffickers target vulnerable and/or marginalized children, women and men, isolating them from society and supportive networks and exploiting them for personal and monetary gain. Traffickers use techniques to keep their victims enslaved that severely limit self-reporting. Many victims trafficked into the U.S. do not speak or understand English and are unable to communicate to seek rescue; and

WHEREAS, the U.N. International Labour Organization estimates that nearly 21 million people are exploited for labor or commercial sex worldwide. The Bureau of Justice Statistics, the FBI's Uniform Crime Statistics Program, and the National Human Trafficking Resource Center report thousands of victims are exploited in the United States every year, including in New Jersey and the surrounding metropolitan areas; and

WHEREAS, New Jersey is a prime location for Human Trafficking because it is a major national and international transportation corridor and a culturally diverse state. Under New Jersey and U.S. law, any person under 18 involved in the commercial sex industry is considered a Human Trafficking victim; and victims include U.S. citizens and documented immigrants; and

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
October 22, 2015

WHEREAS, NJ has increased its efforts to fight Human Trafficking through the passage of the Human Trafficking Prevention, Protection and Treatment Act, the creation of the NJ Commission on Human Trafficking, and the increased efforts of law enforcement and the Office of the Attorney General/Division of Justice's NJ Human Trafficking Task Force resulting in an increase in indictments and prosecutions throughout the State; and

WHEREAS, Because Human Trafficking is a borderless crime against individuals that violates the most basic human rights and deprives victims of every shred of personal freedom, state and national efforts alone will not eradicate this societal scourge; and

WHEREAS, it is vitally important that: all New Jersey residents be informed of and know how to identify suspicious behavior and potential victims; all local municipalities shall have zero tolerance laws and protocols in place; local municipalities take on responsibility for preventing this horrible crime in partnership with educators, community organizations, and faith based groups, and help to effectively uncover victims of modern slavery; and

WHEREAS, the New Jersey State League of Municipalities commends the proclamation project and comprehensive work of the NJ Coalition Against Human Trafficking. That through the efforts of over 100 diverse organizations work on community efforts to abolish Human Trafficking through education, advocacy, and assistance to survivors and to increase coordination and visibility of New Jersey's commitment to end Human Trafficking; and

NOW, THEREFORE BE IT RESOLVED, that the New Jersey State League of Municipalities urges all townships in New Jersey to locally observe the State and National Human Trafficking Awareness Day on January 11 of each year. Each town shall raise awareness and educate the public annually about the signs and consequences of Human Trafficking; promote opposition to Human Trafficking in all of its forms; encourage support for the survivors of Human Trafficking in order to restore their freedom and dignity; and support all efforts by individuals, businesses, organizations, and governing bodies to prevent Human Trafficking; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities urges all townships in New Jersey containing Amtrak stations and ports of entry (including seaports, river ports and airports) to ensure that port/train employee awareness-raising efforts have been undertaken by local, state or national agencies. Townships shall strongly encourage hotel and motel operators within their township to undergo training on the prevention of human trafficking and the reporting laws with respect thereto;

BE IT FURTHER RESOLVED, that it should be the public duty of every New Jersey resident to report human trafficking suspicions. Current 24-hour helplines are the National Human Trafficking Resource Center (888-3737-888 or text HELP or INFO to BeFree), a national, toll-free hotline, available to answer calls and texts in 175+ languages and the New Jersey Human Trafficking Hotline (855-END-NJ-HT).

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the Governor and Lieutenant Governor of New Jersey, the New Jersey Attorney General's Office, the NJ Commission on Human Trafficking, the NJ Coalition Against Human Trafficking, the 565-member municipalities of the New Jersey State League of Municipalities, and members of the New Jersey Congressional Delegation.

Resolution 15-299

Awarding a Contract to D&L Paving Contractors for West Allendale Avenue (Sec. 5),
Erie Plaza (Sec. 2), and Park & Ride Lot Improvements.

Whereas, sealed bids were received on October 16, 2015 for the project “West Allendale Avenue (Sec. 5), Erie Plaza (Sec. 2), and Park & Ride Lot Improvements”; and

Whereas, one (1) bid was received: D&L Paving Contractors in the amount of \$140,403.30; and

Whereas, the bid documents have been reviewed and it is determined that the bid of D&L Paving is the lowest responsible, responsive bidder; and

Whereas, the Chief Financial Officer has attached a Certification that adequate funds are available to pay for the Contract pursuant to NJAC 5:30-5.4 et. seq;

Now, Therefore, Be It Resolved, by the Governing Body that it does hereby award a Contract for the above referenced project to D&L Paving Contractors, Inc., Nutley, New Jersey in the amount of \$140,403.30; and,

Be It Further Resolved, that the Mayor and Borough Clerk are hereby authorized to execute a Contract with D&L Paving Contractors, Inc. following legal review; and

Be it Further Resolved, that the foregoing Contract award is subject to approval by the New Jersey Department of Transportation (NDOT) in accordance with the Borough’s grant agreement with NJDOT.

Resolution 15-300

Resolution Appointing Legal Counsel

WHEREAS, there exists a need on the part of the Borough of Allendale (“Allendale”) to appoint legal counsel to represent Allendale in the matter entitled Walters, et al. v. Northern Highlands Regional High School Board of Education, et al., Docket No: BER-L-8862-15; and

WHEREAS, Allendale has determined that Raymond R. Wiss is qualified and experienced to be appointed to and to hold such position; and

WHEREAS, Allendale, by adoption of this Resolution wishes to appoint Raymond R. Wiss, the Borough Attorney to act as counsel for and defend Allendale in the above captioned matter; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that Raymond R. Wiss be and hereby is appointed as counsel to represent and defend Allendale in the above referenced litigation; and

BE IT FURTHER RESOLVED that the Mayor, the Borough Clerk, the Chief Financial Officer and the Borough Attorney are authorized to take all appropriate actions so as to implement this Resolution.

Resolution 15-301

RESOLUTION ACCEPTING DONATION OF FIREFIGHTING FOAM AND AUTHORIZING EXECUTION OF AGREEMENT WITH THE COUNTY OF BERGEN REGARDING THE TERMS THEREOF.

WHEREAS, the County of Bergen operates the Bergen County Law and Public Safety Institute (the "Institute"); and

WHEREAS, the New York City Fire Department ("FDNY") has removed from service 7,820 gallons of National Foam Kidd brand firefighting foam concentrate, ("Firefighting Foam") that is past its shelf life and has thus exceeded its operational life for firefighting purposes; and

WHEREAS, the City of New York ("the City"), acting by and through the FDNY, has agreed to donate the Firefighting Foam to the County for use by the Institute for training purposes; and

WHEREAS, the Bergen County Board of Chosen Freeholders, by Resolution No. 1198-15, adopted on October 14, 2015, authorized the County to share the donated Firefighting Foam with the Borough of Allendale for training purposes, subject to availability and the terms set forth in an "AGREEMENT TO SHARE DONATED FIREFIGHTING FOAM CONCENTRATE," (the "Agreement") annexed hereto as Exhibit A; and

WHEREAS, the governing body of Borough of Allendale has determined that it is in the best interest of the residents and taxpayers of the municipality to accept the donation of the Firefighting Foam for training purposes, subject to the terms and conditions set forth in the Agreement,

NOW, THEREFORE, BE IT RESOLVED by the governing body of Borough of Allendale as follows:

1. The recitals set forth above are incorporated into the body of this resolution as if set forth at length herein.
2. The Borough of Allendale hereby accepts the donation from the County of Bergen of the Firefighting Foam as set forth above, subject to the terms of the Agreement annexed hereto as Exhibit A.
3. Mayor Elizabeth White is hereby authorized to execute an Agreement with the County of Bergen in the form annexed hereto as Exhibit A, together with any other documents necessary to complete the above contemplated transaction.

Resolution 15-302

Rescind Phase 2 Water Restrictions

Whereas, the Governing Body pursuant to Section 262-23A of the Code, deemed that Phase 2 Water restrictions were effective September 1, 2015 via Resolution 15-263; and

Whereas, the Governing Body now wish to remove the Phase 2 Water Restrictions.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale that Phase 2 Water Restrictions are hereby removed.

Be It Further Resolved that Phase 1 water restrictions are to remain in effect until further notice.

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

Resolution 15-303

Resolution Appointing Administrative Assistant

WHEREAS, there presently exists a need on the part of the Borough of Allendale (“Allendale”) to hire an Administrative Assistant; and

WHEREAS, Diane Vander Wende, who is presently Allendale’s Deputy Municipal Clerk, has agreed to serve as an Administrative Assistant in place of her present position as Deputy Municipal Clerk; and

WHEREAS, Allendale, by adoption of this Resolution, wishes to appoint Diane Vander Wende to the position of Administrative Assistant; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that Diane Vander Wende be and hereby is appointed as Administrative Assistant to serve at the pleasure of the Governing Body, with compensation and hours of employment to be fixed pursuant to implementing resolutions as may be hereafter adopted, and upon such appointment Diane Vander Wende shall no longer serve as Deputy Municipal Clerk for Allendale.

NOW THEREFORE 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 15-304

Resolution Appointing Deputy Municipal Clerk

WHEREAS, there presently exists a need on the part of the Borough of Allendale (“Allendale”) to hire a Deputy Municipal Clerk; and

WHEREAS, Allendale, by adoption of this Resolution, wishes to appoint Michelle Ryan to the position of Deputy Municipal Clerk as set forth in this Resolution; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that Michelle Ryan be and hereby is appointed as Deputy Municipal Clerk to serve in such capacity part-time (25 hours per week) for the remainder of 2015 at an hourly rate of \$19.00 per hour, with no benefits or paid vacation time, and effective January 1, 2016 the position will become full-time with an annual salary of \$38,000 per year, with three (3) weeks paid vacation.

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor, the Chief Financial Officer, Deputy Municipal Clerk and the Borough Attorney are authorized to take all appropriate actions so as to implement this Resolution.

Resolution 15-305

BE IT RESOLVED that the Mayor and Council of the Borough of Allendale hereby recommends to the New Jersey Department of Transportation that the contract for

West Allendale Avenue (Sec. 5), Erie Plaza (Sec. 2), and Park & Ride Lot Improvements

in the Borough of Allendale County of Bergen be awarded to D&L Paving Contractors whose bid amounted to **\$140,403.30** subject to the approval of the Department.

BE IT FURTHER RESOLVED that the presiding officer of this body be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said construction.

BE IT FURTHER RESOLVED that the clerk of this body be and is hereby directed to seal said contract with the corporate seal of this body and to attest to the same.

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 Executive Session:

Mayor White recognized Municipal Clerk Anne Dodd, who read into the record Resolution 15-306.

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

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
October 22, 2015

Chambers to adjourn this public meeting.

There being no further business to come before the Council, on a motion from Councilman Sasso, seconded by Councilwoman Wilczynski, and all present voting in favor, the meeting was adjourned to the Closed Executive Session in the Council Chambers at 8:11p.m.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilman Strauch, second by Councilwoman Homan, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:31 p.m.

Respectfully submitted

Anne Dodd, RMC
Municipal Clerk