

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
September 14, 2017

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 September 14, 2017. The meeting was called to order at 8:13 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.

Resolutions:

17-233/Authorize Execution of Settlement Agreement – Mount Laurel Fair Share Obligations

Motion by Councilwoman McSwiggan, second by Councilwoman Wilczynski, that Resolution #17-233 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

Resolution 17-233

RESOLUTION AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT MOUNT LAUREL FAIR SHARE OBLIGATIONS

WHEREAS, the Borough of Allendale filed an action in the Superior Court of New Jersey seeking a judicial decision that its Housing Element and Fair Share Plan satisfies the requirements of the "Mount Laurel" doctrine; and

WHEREAS, the sole adversary of the Borough in this litigation is the Fair Share Housing Center of New Jersey which is in the process of litigating Fair Share plans throughout the State of New Jersey; and

WHEREAS, extensive discussions, meetings, conferences and negotiations have occurred with FSHC, in conjunction with the Court-Appointed Special Master, as a result of which a settlement of this litigation has been recommended; and

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WHEREAS, The Mayor and Council have previously reviewed the terms of the proposed settlement with its professionals and has provided authorization to conclude the litigation on the terms recited therein; and

WHEREAS, a final and formal Settlement Agreement has now been prepared and submitted to the Municipality which resolves all issues presented.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, as follows:

1. The Borough of Allendale hereby authorizes and approves an agreement to resolve all issues between the Borough of Allendale and the Fair Share Housing Center concerning the Borough's Mount Laurel Fair Share Housing obligation and the means by which the Borough shall satisfy the same.
2. The Settlement Agreement shall be in the form approved by the Borough Attorney, the terms of which are incorporated by reference herein, and a copy of which is available for review and inspection in the office of the Borough Clerk.
3. The Mayor and Borough Clerk be and are hereby authorized and directed to execute this Settlement Agreement on behalf of the Borough, and the Borough Planner, and Borough Attorney are hereby authorized and directed to take all steps necessary in order to implement the terms of the Settlement Agreement.

17-234/Authorize Capital Budget Amendment

Motion by Councilman Bernstein, second by Councilwoman Wilczynski, that Resolution #17-234 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

Resolution 17-234

CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2017 was amended on the 27th day of April, 2017; and,

WHEREAS, it is desired to amend said amended capital budget section,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Allendale, County of Bergen, that the amendment(s) attached hereto and incorporated herein to the amended capital budget section of the 2017 Budget be made:

Be It Further Resolved that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

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Approval of Minutes:

Motion by Councilwoman McSwiggan, second by Councilwoman Wilczynski, with Councilwoman Homan abstaining on the August 10, 2017 Work Session and Regular Session Minutes, Councilman Bernstein and Councilman Strauch abstaining on the August 24, 2017 Work Session and Regular Session Minutes, and all other members voting in favor,

BE IT RESOLVED that the Minutes of August 10, 2017 Work Session, August 10, 2017 Regular Session, August 24, 2017 Work Session, and August 24, 2017 Regular Session are approved.

Public Comment

Paul Appelgren, 24 W. Maple Avenue, advised that his tree is one of ten trees being removed in connection with the paving of his street and expressed that he would like to meet with the Borough Engineer to see whether the sidewalk can be deviated to preserve his tree.

Mayor White explained that, as this paving is being completed in connection with a grant received from the NJDOT, all trip hazards must be alleviated. She stated that Mr. Appelgren's tree will continue to pose a problem and will have to come down. She expressed that the Borough is committed to replacing this tree.

Mr. Appelgren advised that there is no sidewalk on the western end of the Northern Highlands Regional High School property, expressing his opinion that it is an unsafe place to be walking.

Mayor White advised that she will put this item on the Engineering Committee's agenda for further discussion.

Mr. Appelgren inquired whether the solar-powered speed sign being placed on his street will be permanent. Mayor White confirmed that it would, noting that it has been ordered and should be in soon. She thanked residents in the area for their patience with dealing with the construction. Councilwoman Wilczynski noted that this work is being paid for by PSE&G and is a major upgrade. She explained that there will be one day required to mill and another to pave, causing W. Maple to be closed for one day. They are coordinating with the high school, hoping to complete this work either the second or third week of October.

Bob Herndon, 71 W. Maple Avenue, expressed disappointment that his tree will need to be taken down, but stated that he understands the issue. He requested that this tree be replaced.

Mayor White advised that she will have the master gardener work with him to have the tree replaced.

Public Hearings for Advertised Ordinances:

Ordinance 17-11

Mayor White read into the record:

The following ordinance published herewith was first read by title only on August 10, 2017 and posted on the bulletin board of the municipal building.

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ORDINANCE 17-11 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, ZONING, CHAPTER 270-18(B)

Mayor White noted that this ordinance was sent to the Planning Board for review.

Public Comments on Ordinance 17-11

No one came forward.

Motion by Councilman Sasso, second Councilwoman McSwiggan, that Ordinance 17-11 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:	aye
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	aye

(See Ordinance 17-11, attached and made a part hereof.)

Introduction of Ordinances:

Ordinance 17-12 – 17-14

With respect to Ordinance 17-12, Councilwoman McSwiggan explained that this ordinance clarifies the responsibility for expenses that are incurred with regard to a sewer line when the issue is found to be on a property owner’s line.

In terms of Ordinance 17-13, Mayor White advised that the purpose of this ordinance is to reappropriate funds that had been appropriated in 2010 and 2015 and transfer them to a new project.

Mayor White stated that the purpose of Ordinance 17-14 is to amend the purposes authorized in Bond Ordinance No. 16-05 to add water main improvements at various locations.

Motion by Councilwoman McSwiggan that the following ordinances be introduced and passed on first reading and setting September 28, 2017 at 8:00 p.m. or as soon thereafter as the as the matter can be heard as the date and time and the Council Chambers of the Allendale Municipal Building as the place for a hearing on said ordinances. Second by Councilwoman Wilczynski.

The Municipal Clerk read the title of the ordinances into the record:

ORDINANCE 17-12 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, SEWER USE, CHAPTER 220

ORDINANCE 17-13 – CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$155,043.81 FOR THE UNDERTAKING OF IMPROVEMENTS TO WATER MAINS AT VARIOUS LOCATIONS IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, NEW JERSEY, TO TRANSFER AN APPROPRIATION FROM THE BOROUGH'S RESERVE FOR CAPITAL

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INFRASTRUCTURE AND UNEXPENDED BOND ORDINANCE BALANCES AND REAPPROPRIATE SAME TO FINANCE SUCH APPROPRIATION.

ORDINANCE 17-14 – BOND ORDINANCE TO AMEND SECTION 4.A OF THE BOND ORDINANCE (ORD. NO. 16-05) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$350,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS," ADOPTED ON MARCH 10, 2016.

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 Ordinances 17-12 through 17-14, attached and made a part hereof.)

Consent Agenda

- A. **17-235**/Approval of Bill List
- B. **17-236**/Appoint School Crossing Guards – DiFalco & Moreira
- C. **17-237**/Authorize Refund – Redemption of Tax Sale Certificate #15-00001 – Block 801 Lot 1.08
- D. **17-238**/Authorize Refund – Water Overpayment – Miller
- E. **17-239**/Waive Building Permit Fees – Trinity Episcopal Church
- F. **17-240**/Authorize Reduction of 2017 Tax Levy – County Board Judgments – Various Properties
- G. **17-241**/Authorize Refund – Overpayment of 2017 Taxes – Block 1304 Lot 27
- H. **17-242**/ Authorize Purchase of Police Vehicle – Cranford Cooperative Pricing System

Motion by Councilman Strauch, second by Councilwoman Wilczynski, 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 17-235

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 September 14, 2017 in the amounts of:

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Current Fund	\$924,056.51
Payroll Account	\$246,805.43
General Capital	\$44,900.00
Animal Fund	\$0.00
Grant Fund	\$285.14
COAH/Housing Trust	\$1,957.18
Improvement & Beautification	\$0.00
Unemployment Fund	\$0.00
Trust Fund	\$161,926.38
Water Operating	\$0.00
Water Capital	\$2,542.49
Total	\$1,382,473.13

Resolution 17-236

Appointment of School Guard

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 individuals are hereby appointed as a school guard:

Name	Hire Date	Hourly Rate	Regular or Relief
John DiFalco	September 5, 2017	\$18.00/hour	Regular
Jose Moreira	September 5, 2017	\$18.00/hour	Regular

Resolution 17-237

REDEMPTION OF TAX SALE CERTIFICATE

BE IT RESOLVED, that a Redemption has occurred, Block 801 Lot 1.08, Certificate # 15-00001 and;

WHEREAS, by Resolution of the Governing Body of Allendale, the Tax Collector is hereby authorized to refund a check in the amount of \$227,286.83 which includes the redemption amount on the certificate of \$97,286.83, and the return of premium in the amount of \$130,000.00 to the following:

US BankCust PC6, Sterling Nat'l
US Bank Global Corp Trust Svc
TLSG 50 South 16th St-Suite 2050
Philadelphia, PA 19102

Resolution 17-238

Water Overpayment

BE IT RESOLVED by the Council of the Borough of Allendale that the Water Collector is hereby authorized to issue the following refund check for an overpayment on the account listed below and charge same to Water Rents for 2017:

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Account Number	Name	Amount
311852933084	Shawn Miller	\$23.56

Resolution 17-239

Waiver of Building Permit Fees
for Trinity Episcopal Church

Whereas, Trinity Episcopal Church has applied for a roofing permit for its property located at 55 George Street, Block 1604 Lot 15 on the Tax Map of the Borough; and

Whereas, Trinity Episcopal Church is a house of worship which by design and construction is intended for conducting organized religious services, and accessory uses customarily associated with educational services, facilities for weddings, funerals, religious ceremonies, parish houses, rectories, convents, and other similar functions directly related to the principal function of the house of worship, places of assembly for self-help and support groups, indoor and outdoor activities particularly related to said use and other similar accessory functions relating to ministry; and

Whereas, due to the use of Trinity Episcopal Church as a house of worship, the Land Use Committee has recommended that the fees for building permits be waived; and

Whereas, the Governing Body has reviewed the recommendation and concurs.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that all local building fees relating to the proposed construction at Trinity Episcopal Church are hereby waived; and

Be It Further Resolved that the State UCC fees shall remain payable and are not waived.

Resolution 17-240

County Board Judgments

BE IT RESOLVED, by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to reduce the 2017 tax levy due to County Board Judgments as follows:

County Board Judgments

101/21	Liva, Edward & Jessica	\$ 535.39
103/4	Giakouminakis, Anastasios	\$1,354.50
301/39.02	Blondin, Joseph & Barbara	\$9152.00
301/43	DiFrancesco, Lance & Jacquelyn	\$2,855.42
410/7	Zoccoli, Charles C.	\$1,642.78
506/4	Allendale Heights LLC	\$10,128.98
701/15	Luo, Jian	\$3,432.00
1005/4	Eastern Christian Childrens Retreat	\$1,837.26
1303/10	Twomey, Aileen	\$2,143.86
1304/40	Ritz, Michael & Susan	\$6,838.83
2003/3	Olivo, Martin	\$3,496.06

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Mayor's Report:

Mayor White reported that a policy is hereby established for the reporting of all tax appeals requiring that the Tax Assessor is to advise the Mayor, Council, CFO, and Municipal Clerk of all tax appeals filed with her office monthly during the tax appeal filing time period and thereafter as necessary. The information that is to be reported is to include but not be limited to the number of pending appeals broken down by property class, the current assessed value, and the reduction in assessed value if all appeals were successful. Mayor White noted that although this process has already been in place, it is now being made into a formal policy in order to comply with Best Practices.

September is National Preparedness Month and Mayor White commented that the governing body's hearts go out to Houston and Florida. She advised that the New Jersey Office of Homeland Security and Preparedness offers helpful planning tips for the hurricane season and other unpredictable events. This information has been posted to the Borough website.

Mayor White advised that she has been working with NJ Transit to have the pedestrian underpasses painted.

There was a Bergen County League of Municipalities Mayors' meeting on Tuesday morning. Mayor White reported that there were discussions regarding the sunset of the 2% cap on interest arbitration awards, COAH settlements, and OPRA requests which are taking a substantial amount of time from all departments to fulfill.

AVAC will be having its 80th anniversary dinner. Information on this event has been posted to the Borough website and a copy of the flyer was distributed to members of the governing body.

Mayor White thanked Councilwoman Wilczynski for her work on the 911 Ceremony, commenting that it was a powerful and poignant evening. The planning that goes into this event is a huge task and Mayor White remarked that Councilwoman Wilczynski has taken it on and done an outstanding job.

The Hope and Healing After an Addiction Death held its candlelight vigil last evening at the Red Barn. Mayor White noted that this event is another powerful evening and expressed that the governing body is happy to support this group who comes together to help each other through the grieving process.

Council Committee Reports and Comments

Councilman Strauch – Public Works

Councilman Strauch reported that the Public Works and Engineering Committee met yesterday. He commended the DPW for continuing to do an excellent job while being understaffed. The Engineering Department sent notification to all affected residents regarding the scheduled street paving. The next Public Works and Engineering Committee meetings are scheduled on October 11th.

Councilwoman Homan – Public Safety

Councilwoman Homan expressed her opinion that the 911 Ceremony was an amazing community event, noting that so many members of the Public Safety team attended who were not on duty. She pointed out that the purchase of a new police vehicle was authorized on the Consent Agenda. The

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AVAC 80th anniversary dinner will be held at the Guardian Angel Church and Councilwoman Homan expressed her hope that it will be well attended. The next Public Safety Committee meeting will take place tomorrow morning at 7:30 a.m. Officer Stettner will attend and report on the activities that the Police Department is participating in at the high school. CERT will also attend and report on the planning and coordinating of upcoming events.

Councilwoman Wilczynski – Facilities, Parks & Recreation

Councilwoman Wilczynski reported that Crestwood Lake is now officially closed and she commented that it was a really good season. The chemicals need to be evaluated once the results of the final tests come back. The tennis courts have been lined with pickle ball lines. Pickle ball will be open to all residents at no cost. The fields have been lined for fall sports. A new generator will be installed at the Allendale Fire House. Councilwoman Wilczynski thanked the residents for attending the 911 Ceremony, noting that they had a good turnout. She advised that they will be starting a speaker series and continue the theme of never forget, expressing her hope that the high school will incorporate the timeline into the curriculum. She attended a Chamber of Commerce meeting. Festival Day is scheduled on October 7th and vendors are still being sought. She thanked the DPW for the fabulous job that they did cleaning up for the 911 Ceremony. She also thanked Michelle Ryan, Deputy Clerk, for her help in setting up for tonight's meeting.

Councilwoman McSwiggan – Water, Sewer & Public Utilities

Councilwoman McSwiggan advised that the Water, Sewer and Public Utilities Committee will meet on September 18th at 8 a.m. The hydrant flushing is scheduled to be completed by the end of September. Northwest Bergen County Utilities Authority will begin jetting the sewer lines located on the east side of the Borough in a few weeks. She advised that this program was started in 2015, with a third of the Borough being completed at a time. As such, the entire project should be completed this fall and the preventative program will begin in 2018. Representatives from Suez will be attending Monday's meeting to provide an update from a regulatory perspective as well as to apprise the Borough of activities that they are undertaking as the Borough's water manager.

Councilwoman McSwiggan reported that Mayor White has spearheaded the formation of a coalition of the sending districts to Northern Highlands as well as the Borough of Ramsey to help address the mushrooming drug addiction and opioid abuse issue. She explained that this coalition is comprised of members of law enforcement, educators, as well members of the municipal leadership and it is an opportunity to share ideas and discuss possible programs to bring into the schools or offer to the public.

Councilman Sasso – Land Use and Construction Code

Councilman Sasso advised that the Land Use Committee met on Friday. He noted that the main focus has been on the Construction Code. The second reading and adoption of the driveway ordinance took place this evening which he commented is important as it affects impervious coverage and runoff. The next Land Use and Construction Code Committee meeting is scheduled on the first Friday in October.

Councilman Bernstein – Administration, Finance, and Human Resources

Councilman Bernstein reported that the Administration, Finance and Human Resources Committee met yesterday. The budget is on mostly on schedule. Ms. Dodd and Mr. Kistner met with several document management companies and believe that they have found a company that meets the

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Borough's needs. They will be taking steps to move the process forward. The payment of taxes online has been going well as positive feedback has been received from residents. The committee is working on moving documents to the cloud for access by the Mayor and Council and certain staff members. Agenda materials continue to be posted to the Borough website the day prior to Council meetings. The committee reviewed the Best Practices worksheet and have found that the Borough is in good standing. The next Administration, Finance and Human Resources Committee meeting is scheduled on October 17th at 4:30 p.m.

Staff Reports:

Ray Wiss, Municipal Attorney, advised that most of his time over the past two weeks had been spent preparing for this evening with everyone working cooperatively together to put the program in place.

Anne Dodd, Municipal Clerk, reported that her office is beginning to prepare for the General Election. She recently approved the proof for the Vote by Mail ballot. Her office will be open until 9 p.m. on October 17th for Late Night Voter Registration as this date is the last day to register to vote for the General Election.

Alissa Mayer, CFO, advised that she has no report.

Ron Kistner, Administrative Officer/Director of Operations, reported that he will be speaking with PSE&G tomorrow to receive an update on the construction. The website will be updated if necessary. He thanked Tyler Yaccarino, Website Administrator, for his work on the website. He noted that the work is currently on schedule and the traffic detours have been working out well.

Mayor White also thanked Mr. Yaccarino for his work on the website, noting that he takes time from his weekends and nights to ensure that the website is updated in a timely manner.

Public Comment on any issue:

No one came forward.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilwoman Homan, second by Councilwoman Wilczynski, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:01 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk