Borough of Allendale

December 29, 2014 Resolution 14-361

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 December 29, 2014.

	Motion	Second	Yea	Nay	Absent	Abstain
Bernstein			✓			
McSwiggan			✓			
Sasso			✓			
Strauch			✓			
White	✓		✓			
Wilczynski		✓	✓			
Barra						

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on December 29, 2014

Frank Valenzuela
Acting Municipal Clerk

Vince Barra, Mayor

December 29, 2014 **Resolution 14-362**

Borough of Allendale

Resolution Approving Memorandum of Understanding with PBA Local No. 217

WHEREAS, the Collective Bargaining Agreement ("CBA") between the Borough of Allendale ("Allendale") and the Policemen's Benevolent Association Local No. 217 ("PBA") expires on December 31, 2014; and

WHEREAS, Allendale and the PBA engaged in ongoing negotiations to discuss and agree upon the terms and conditions of a successor CBA; and

WHEREAS, as part of the negotiations for a successor CBA, a Memorandum of Understanding ("MOU") between Allendale and the PBA was agreed to and approved between the parties for the term January 1, 2015 through December 31, 2017; and

WHEREAS, the PBA has indicated its approval of the terms and provisions of the MOU by executing the same; and

WHEREAS, Allendale wishes to memorialize its approval of the terms and provisions of the MOU by adoption of this Resolution; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that the Memorandum of Understanding as between the Borough of Allendale and the Policemen's Benevolent Association Local No. 217 for the term January 1, 2015 through December 31, 2017, be and hereby is **APPROVED;** and

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

	Motion	Second	Yea	Nay	Absent	Abstain
Bernstein			✓			
McSwiggan			✓			
Sasso			✓			
Strauch			✓			
White	✓		✓			
Wilczynski		✓	✓			
Barra						

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on December 29, 2014

Frank Valenzuela
Acting Municipal Clerk

Vince Barra, Mayor

BOROUGH OF ALLENDALE

DECEMBER 29, 2014 **RESOLUTION** RESOLUTION 14-363

WHEREAS, bids were received on November 25, 2014 for the project known as "George Street and Wehner Place Drainage and Roadway Improvements, Alternates"; and

WHEREAS, the bid documents have been reviewed and the apparent low bidder was JTG Construction ("JTG"), Inc.; and

WHEREAS, JTG, in connection with its bid, did not provide Proposal Form (4) which called for the base and alternate bid to be recited in both words, numbers and signed; and

WHEREAS, JTG nevertheless did provide its base bid itemization on Proposal Form (2) and provided the base bid in words on Proposal Form (3) and did sign Proposal Form (1); and

WHEREAS, the Borough has determined that the omission may be waived since it is not substantial because the relevant information was provided as set forth herein; and

WHEREAS, the remaining bid documents of JTG comply with the specifications including its Bid Bond and Consent of Surety; and

WHEREAS, the next low base bid of D&L Paving is in excess of the Engineer's estimate for the project; and

WHEREAS, the bid notice provided that the Mayor and Council reserved the right to waive any informalities in the bidding; and

WHEREAS, the Chief Financial Officer has attached a Certification that adequate funds have been duly appropriated to pay for the Contract; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Allendale as follows:

1. That the omission in the bid documents of JTG is deemed not substantial and is hereby waived;

2. That a Contract for the above referenced project be awarded to JTG Construction, 188 Jefferson Street, Suite 387 Newark, NJ 07105; in the base bid amount of $38,700.00.

3. That the Mayor and Municipal Clerk are authorized to sign a Contract with the successful bidder following legal review.

	Motion	Second	Yea	Nay	Absent	Abstain
Bernstein			✓			
McSwiggan			✓			
Sasso			✓			
Strauch			✓			
White	✓		✓			
Wilczynski		✓	✓			
Barra						

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on December 29, 2014

Frank Valenzuela
Acting Municipal Clerk

Vince Barra, Mayor

BOROUGH OF ALLENDALE

December 29, 2014 Resolution 14-364

State Tax Board Judgment

BE IT RESOLVED, by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to reduce the 2014 tax levy and issue the following overpayment check due to a State Board Judgment for the Tax Years 2013 & 2014:

Block/Lot	Name	Property Location	Amount
2014			
2103/27.02	Douglas M. Standriff, Esq. Attorney Trust Account 60 West Ridgewood Avenue Ridgewood, NJ 07450	12 Erold Court	$238.30
2013			
2103/27.02	Douglas M. Standriff, Esq. Attorney Trust Account 60 West Ridgewood Avenue Ridgewood, NJ 07450	12 Erold Court	$235.70

	Motion	Second	Yea	Nay	Absent	Abstain
Bernstein			✓			
McSwiggan			✓			
Sasso			✓			
Strauch			✓			
White	✓		✓			
Wilczynski		✓	✓			
Barra						

Vince Barra, Mayor

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on December 29, 2014

Frank Valenzuela
Acting Municipal Clerk

Borough of Allendale

December 29, 2014 Resolution 14-365

Appointment of Community Development Representatives

Whereas, each Bergen County Community that participates in the Community Development Cooperative must appoint two representatives to its respective Community Development Committee.

Now, Therefore, Be It Resolved that the Governing Body hereby appoints Council President Liz White and Councilwoman Amy Wilczynski to participate on the Community Development Committee.

	Mot.	Sec	Yea	Nay	Absent	Abstain
Bernstein			✓			
McSwiggan			✓			
Sasso			✓			
Strauch			✓			
White	✓		✓			
Wilczynski		✓	✓			
Barra						

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on December 29, 2014

Vince Barra, Mayor

Frank Valenzuela
Acting Municipal Clerk

BOROUGH OF ALLENDALE

December 29, 2014 Resolution 14-366

RESOLUTION AUTHORIZING CHANGE ORDER # 2 AND SECOND AMENDMENT TO CONTRACT WITH SUBURBAN DISPOSAL, INC., FOR DUAL STREAM RECYCLING

WHEREAS, the Borough of Allendale (Borough) currently has a Solid Waste Collection and Disposal Contract (Contract) with Suburban Disposal, Inc., (Suburban), dated April 7, 2011 for a term of five (5) years which commenced on April 15, 2011 until April 14, 2016; and

WHEREAS, by Resolution 13-403 adopted November 25, 2013, the Borough authorized Change Order # 1 and First Amendment to Contract relating to comingled recycling pickup; and

WHEREAS, it is necessary to provide for proposed Change Order # 2 and Second Amendment to Contract for Dual Stream Recycling based upon circumstances more particularly set forth in documentation on file in the office of the Acting Borough Clerk which is incorporated herein; and

WHEREAS, proposed Change Order # 2 and the proposed Amended Contract price is calculated as follows:

Original Contract Price: $204,000 (Collection) + $67/ton disposal fee

Change Order # 1: $62,400 (co-mingled recycling)

Change Order # 2: $60,000 (Dual Stream Recycling)

New Amended Contract Price: $326,400 plus $67/ton disposal fee

WHEREAS, the Chief Financial Officer has attached a Certification that adequate funds are or will be made available in the temporary and permanent budgets of the Borough to pay for Change Order # 2 and the Second Amendment to Contract; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that it does hereby authorize Change Order # 2 and a Second Amendment to Contract with Suburban for Dual Stream Recycling; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are authorized to sign Change Order # 2 and the Second Amendment to Contract following legal review; and

BE IT FURTHER RESOLVED, that the Borough shall comply with the requirements of N.J.A.C. 5:30-11.9 in order to implement the foregoing.

BOROUGH OF ALLENDALE

RESOLUTION AUTHORIZING CHANGE ORDER # 2 AND SECOND AMENDMENT TO CONTRACT WITH SUBURBAN DISPOSAL, INC., FOR DUAL STREAM RECYCLING

	Motion	Second	Yea	Nay	Absent	Abstain
Bernstein			✓			
McSwiggan			✓			
Sasso			✓			
Strauch			✓			
White	✓		✓			
Wilczynski		✓	✓			
Barra						

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on December 29, 2014

Frank Valenzuela
Acting Municipal Clerk

Vince Barra, Mayor

Borough OF ALLENDALE

500 WEST CRESCENT AVENUE, ALLENDALE, NJ 07401-1792

VINCENT J. BARRA
MAYOR

(201)-818-4400
FAX: (201)825-1913

To: All Council, Borough of Allendale

From: Vince Barra, Mayor

CC: Frank Valenzuela, Acting Municipal Clerk and Borough Administrator, Dave Bole, Borough Attorney

Date: 12/29/2014

Re: **REQUEST FOR CHANGE ORDER:** *Roselle contracting to pick up all recycles (comingle and natural fiber) 2 x per month.*

Comments:

Statement to Governing Body:

The change in Roselle contracting to pick up all recycles (comingle and natural fiber) 2 x per month exceeds the current contract by 20%. This change should be allowed under NJAC 5:30-11.9 because of the emergency situation we were put under due to the closure of GreenSky Recycling. In addition there were unforeseen circumstances in the recycling industry due to the decreased market as a result of China's "Green Fence". This cost of this change will be offset by the increase revenue in recycling as well as making Allendale more sustainable. Please read detailed explanation below:

Due to unforeseen changes in the recycling industry, our recycling facility, Greensky, abruptly closed. Under emergency conditions, the Borough of Allendale signed a contract with Casella Recycling which is under Rockland County Solid Waste Authority (RCSWA). This facility would receive <u>all</u> recyclables (co mingles and household fiber). Casella's preferred and most efficient recycling method is **dual stream**. In order to secure the contracted price for tonnage revenue, Allendale has to agree to bring <u>ALL materials to this facility</u>. In the past, we separated cardboard, newspaper, junk mail and co-mingle and took them to two different facilities, one in Paterson and one in Passaic.

Currently, under the new contract, the Borough disposes of their recycling by 2 methods:

1. The Borough DPW hauls Comingled recycles and household fibers that are disposed by residents of at the Allendale drop off site to Casella facility daily
    a. The time to haul recycles can be used elsewhere in the Borough
    b. There is wear and tear on the Borough vehicle as well as gas costs
2. Roselle take comingle and <u>cardboard only</u>, that is picked up curbside by our haulers to Casella facility. As our current recycle hauler, Roselle picks up <u>comingled recycle and cardboard only</u> for the Borough 1x/month only. To be able to accommodate the recycling tonnage requirements of the new facility and to benefit from the best prices, *a dual stream process must be adopted*. In order to make this process beneficial from an economic and logistics standpoint, **an additional pick up per month is required with an additional and separate truck. All recycles will be picked up the same day of the week making the process seamless and convenient for residents.**

This process will increase recycling because of the convenience for residents as well as decrease confusion as what needs to be recycled. Currently, residents are disposing of recycling material in the regular garbage. The convenience of dial stream has an immediate benefit of increased recycling. Increased recycling means decrease of tipping fees of solid waste while increasing revenues on the recycling end.

This is a positive step for the Borough in terms of recycling. To continue to separate all the paper, junk mail and cardboard is becoming past practice. In addition, Casella sells all its recycling to an American company and has a process of grinding the glass which can be given back for multiple uses throughout the Borough.

Signed_____ Date 12/29/2014

BOROUGH OF ALLENDALE
BERGEN COUNTY, NEW JERSEY

December 29, 2014 **Resolution 14-367**

RESOLUTION OF THE BOROUGH OF ALLENDALE DECLARING ITS INTENT TO FULLY COMPLY WITH ITS CURRENT AND FUTURE MOUNT LAUREL OBLIGATIONS AND TO SERVE AS THE "CATALYST FOR CHANGE" TO RENDER ANY MOUNT LAUREL LAWSUITS AS "UNECESSARY LITIGATION"

WHEREAS, in *So. Burlington County N.A.A.C.P. v. Tp. of Mount Laurel*, 92 *N.J.* 158, 279-80 (1983) ("*Mount Laurel II*"), the New Jersey Supreme Court ruled, subject to several other limitations, that in order for a plaintiff to be entitled to a builder's remedy, it must "succeed in litigation;" and

WHEREAS, in *Toll Bros. Inc. v. Tp. of W. Windsor*, 173 *N.J.* 502, 507 (2002), the Supreme Court ruled that in order for a developer to succeed in litigation, it must not only prove that the municipality failed to create a realistic opportunity to satisfy its affordable housing obligation, but also must be the "catalyst for change;" and

WHEREAS, on September 26, 2013, the Supreme Court released *In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing*, 215 *N.J.* 578 (2013) which completely invalidated the third round regulations adopted in 2008 by the New Jersey Council on Affordable Housing ("COAH"); and

WHEREAS, on March 14, 2014, the Supreme Court issued an order directing COAH to propose new third round regulations on or before May 1, 2014 and to adopt them by October 22, 2014; and

WHEREAS, the March 14, 2014 Order further provided that, if COAH failed to meet these deadlines, the Court would entertain a Motion in Aid of Litigant's Rights which could include an application for the right, on a case-by-case basis, to file a builder's remedy suit against a municipality under COAH's jurisdiction, such as the Borough of Allendale ("Borough"); and

WHEREAS, on April 30, 2014, in accordance with the March 14, 2014 Order, COAH proposed third round regulations and published them in the New Jersey Register on June 2, 2014; and

WHEREAS, COAH accepted public comments on the proposed third round regulations until August 1, 2014, and received roughly 3,000 comments; and

WHEREAS, on October 20, 2014, the COAH board met to consider adopting the proposed regulations; and

WHEREAS, the COAH board reached a 3-3 deadlock and therefore did not adopt the proposed regulations; and

WHEREAS, COAH therefore failed to meet the Supreme Court's October 22, 2014 deadline; and

WHEREAS, the Borough is voluntarily under COAH's jurisdiction and has complied with its *Mt. Laurel* obligations, most recently receiving third round substantive certification from COAH on October 14, 2009; and

WHEREAS, the Borough has fully satisfied its first and second round fair share affordable housing obligations and has surplus affordable housing credits into the third round; and

WHEREAS, COAH's failure to adopt the most recent proposed regulations has left the Borough in a continuing state of limbo despite its history of compliance with its affordable housing obligations and its ongoing commitment to satisfying its obligations voluntarily and without the need for litigation; and

WHEREAS, on October 31, 2014, Fair Share Housing Center ("FSHC") filed a Motion In Aid of Litigant's Rights urging the Supreme Court, among other things, to direct trial judges, instead of COAH to establish standards with which municipalities must comply; and

WHEREAS, FSHC's motion included an alternative fair share calculation for each municipality, further highlighting the uncertainty of the framework with which municipalities must ultimately comply; and

WHEREAS, as a result of future regulations, litigation, and/or legislation, it is entirely possible that the Borough's obligation may indeed differ from that proposed by COAH or advocated by FSHC; and

WHEREAS, indeed, new laws may reduce the obligations of the Borough under COAH's prior round regulations; and

WHEREAS, regardless of what obligation it is ultimately assigned, the Borough remains committed to comply voluntarily with its fair share affordable housing obligations; and

WHEREAS, the Borough brought itself under COAH's jurisdiction because all three branches of government preferred COAH's administrative process to resolve disputes over affordable housing matters rather than litigation; and

WHEREAS, the Borough wishes to be in a position to complete its efforts to comply voluntarily once its obligations are defined by regulation, order from a court of competent jurisdiction, or legislation; and

WHEREAS, accordingly, the Borough wishes to be in a position to seek immunity from a trial judge if the Court should rule that trial judges should perform COAH's functions so that the Borough can complete its efforts to comply voluntarily with whatever standards the trial judge may determine are appropriate; and

WHEREAS, the Borough herein intends to make its intentions inescapably clear to the public and all concerned.

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

1. Despite the Borough's surplus affordable housing credits to address its future fair share obligation, the Borough formally stipulates that, given all the uncertainty in the law, the scope of its current obligation is unknown.

2. The Borough hereby reaffirms its commitment to satisfy its future affordable housing obligations voluntarily and in the absence of any *Mount Laurel* lawsuits.

3. Once its affordable housing obligations are defined by regulation, order from a court of competent jurisdiction, or legislation, the Borough directs its legal and planning professionals to take all reasonable and necessary action to enable it and its Planning Board to satisfy those obligations expeditiously.

4. The Borough Clerk is hereby directed to display this resolution in a prominent location and to post this resolution on the Borough's website to place the public and all interested parties on notice of the formal commitments herein.

5. The Borough hereby authorizes and directs its Affordable Housing Planner and its Borough Attorney to use this resolution in such manner as they may deem necessary and prudent to ensure that the Borough maintains immunity from exclusionary zoning suits.

6. This Resolution shall take effect immediately

	Motion	Second	Yea	Nay	Absent	Abstain
Bernstein			✓			
McSwiggan			✓			
Sasso			✓			
Strauch			✓			
White	✓		✓			
Wilczynski		✓	✓			
Barra						

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on December 29, 2014

Frank Valenzuela
Acting Municipal Clerk

Vince Barra, Mayor

BOROUGH OF ALLENDALE

December 29, 2014 Resolution 14-368

WHEREAS, the following Water Utility Operating Fund budget appropriation balances for 2014 remain unexpended:

Salaries and Wages	$ 2,000
Other Expenses	18,000
Total Appropriations Cancelled	$20,000

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Surplus;

NOW THEREFORE, BE IT RESOLVED, by the council of the Borough of Allendale, that the above listed unexpended balances of the Water Utility Operating Fund be canceled.

	Motion	Second	Yea	Nay	Absent	Abstain
Bernstein			✓			
McSwiggan			✓			
Sasso			✓			
Strauch			✓			
White	✓		✓			
Wilczynski		✓	✓			
Barra						

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on December 29, 2014

Frank Valenzuela
Acting Municipal Clerk

Vince Barra, Mayor

Borough of Allendale

December 29, 2014 Resolution 14-369

Designation of Barra Court

Whereas, Mayor Vince Barra has served as a member of the Governing Body, first as a member of the Council, then as Mayor commencing in January 2006 and, during that time he has served on every committee of the Council as the Ex-Officio Member; and

Whereas, in recognition of his exemplary service the Council wishes to designate the entrance and Circle into Crescent Commons as "Barra Court" which is more particularly described as follows:

> "Entrance into Crescent Commons directly off of West Crescent Avenue, which includes the circle roadway directly in front of Crescent Commons";

Now, Therefore, Be It Resolved by the Governing Body that it does hereby designate the foregoing Entrance and Circle as "Barra Court"; and

Be It Further Resolved that a suitable sign identifying the Court is to be installed; and

Be It Further Resolved that a certified copy of this resolution be provided to Mayor Vince Barra.

	Mot.	Sec	Yea	Nay	Absent	Abstain
Bernstein		✓	✓			
McSwiggan			✓			
Sasso			✓			
Strauch	✓		✓			
White			✓			
Wilczynski			✓			
Barra						

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on December 29, 2014

Frank Valenzuela
Acting Municipal Clerk

Elizabeth White, Council-President

December 29, 2014 Resolution 14-370

A Resolution Honoring Mayor Vince Barra.

Whereas, Mayor Barra has been a resident of the Borough of Allendale since 1985, where he and his beloved wife Roseann have raised their two daughters, Christina and Lauren, and

Whereas, Mayor Barra is a graduate of the Maritime College at Fort Schuyler and St. John's University School of Law, and

Whereas, Mayor Barra was elected to serve on the Borough Council from January 2001 through December of 2003, and

Whereas, Mayor Barra was elected to the position of Mayor for two terms that began in January of 2007 and will conclude at the end of 2014, and

Whereas, Mayor Barra has been the Ex-Officio member of all of the Borough Council Committees for eight years, and

Whereas, Mayor Barra has been the Chair of several committees and organizations in the Borough of Allendale which include the Alliance for the Prevention of Drug and Alcohol Abuse, the 9/11 Memorial Committee, the 9/11 Memorial Scholarship Fund, the Allendale Republican Organization and the Allendale School Expansion Committee, and

Whereas, under Mayor Barra's leadership, the Borough Council developed municipal budgets over the last four years that provided for zero percent tax increases for Allendale property owners, and

Whereas, Mayor Barra has been a steadfast advocate for Special Needs Housing in the Borough of Allendale, and has championed the development of Crescent Commons and Orchard Commons which have been recognized as model communities in the State of New Jersey, and

Whereas, Mayor Barra has served as a member of the Allendale Senior Housing Inc. Board, and

Whereas, *Mayor Barra is also serving the residents of the County of Bergen as a member of the Board of Social Services, and*

Whereas, *Mayor Barra will continue to serve as a member of the Board of the Allendale Special Needs Housing, and*

Whereas, *Mayor Barra has earned the respect and admiration of the people who know and work with him because of his integrity, moral compass, compassion, work ethic and intelligence, in short, his dedication to the Borough of Allendale.*

Now, Therefore, Be It Resolved *that the Borough Council expresses its deepest gratitude to Mayor Vince Barra for the many significant contributions he has made to enhance the quality of life in the Borough of Allendale, and bestow on him the title of*
Mayor Emeritus *of the Borough of Allendale.*

Be it Further Resolved *that his advice will always continue to be welcomed and solicited by the Mayor and Council, and the words "Don't be a stranger" have never been more true.*

December 29, 2014 *Resolution 14-370*

	Mot.	Sec	Yea	Nay	Absent	Abstain
Bernstein			✓			
McSwiggan	✓		✓			
Sasso		✓	✓			
Strauch			✓			
White			✓			
Wilczynski			✓			
Barra						

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on December 29, 2014

Frank Valenzuela
Acting Municipal Clerk

Elizabeth White, Council- President

BOROUGH OF ALLENDALE

December 29, 2014 Resolution 14-371

RESOLUTION

WHEREAS, the Borough has been served with a Complaint arising from the Open Public Records Act entitled Clark v. Allendale, et al, pending in the Superior Court of New Jersey, Law Division, Bergen County, Docket No.: L-20316-14 (the case); and

WHEREAS, the Borough believes it to be in its best interests to settle the case without admission of liability or responsibility;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that:

1. The Borough is authorized to settle the case and provide to the Plaintiff those motor vehicle investigation reports which are the subject of Plaintiff's Complaint; and

2. The Municipal Attorney is authorized to negotiate a settlement of legal fee claim, if any, that is made by Plaintiff's counsel herein, and subject to Finance Committee approval

	Motion	Second	Yea	Nay	Absent	Abstain
Bernstein			✓			
McSwiggan			✓			
Sasso			✓			
Strauch			✓			
White	✓		✓			
Wilczynski		✓	✓			
Barra						

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on December 29, 2014

Frank Valenzuela
Acting Municipal Clerk

Vince Barra, Mayor