

March 10, 2011

A regular meeting of the Borough Council was held in the Municipal Building on March 10, 2011. The meeting was called to order at 9:12 p.m. by Mayor 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, Mr. Schoepflin, Mrs. White, Mrs. Wilczynski and Mayor Barra. Also present were Mrs. McCarthy and Mr. Bole.

Minutes

Mrs. Strauch moved, seconded by Mrs. White, to approve the Work, Regular and Executive Session minutes from February 24, 2011. On roll call Mr. Bernstein, Mrs. White, Mr. Schoepflin and Mrs. Wilczynski voted in favor. Ms. LaMonica abstained.

Public Hearing for Advertised Ordinances

Adoption of Ordinance 11-01

Mayor Barra opened the meeting to the public for comments on Ordinance 11-01. There were none.

Resolution 11-98 – Introduced by Ms. LaMonica, seconded by Mrs. White

Be It Resolved that an Ordinance entitled 11-01, “BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$810,200 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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” 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.

(See copy of Ordinance 11-01, attached and made a part hereof.)

Resolution 11-99 – Introduced by Mrs. White, seconded by Mr. Bernstein

Be It Resolved that an Ordinance entitled 11-03, AN ORDINANCE TO ACCEPT NADLER COURT AS A PUBLIC STREET IN THE BOROUGH OF ALLENDALE, COUNTY OF BERGEN, STATE OF NEW JERSEY 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.

Ms. LaMonica moved, seconded by Mrs. White, to remove Resolution 11-106, Amendment to Council By-Laws, from the Consent Agenda. On roll call, all Council members voted in favor.

Ms. LaMonica moved, seconded by Mrs. Wilczynski to waive the normal procedure to amend the Council By-Laws. On roll call, all Council members voted in favor.

Mrs. White moved, seconded by Ms. LaMonica to approve Resolution 11-106. On roll call, all Council members voted in favor.

Mrs. Bole told Mrs. McCarthy that the resolution to amend the Council By-Laws would need to be on the agenda for March 24th also.

Consent Agenda

Resolution 11-100 – Introduced by Ms. LaMonica, seconded by Mrs. White

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 March 10, 2011.

On roll call, all Council members voted in favor.

Resolution 11-101 – Introduced by Ms. LaMonica, seconded by Mrs. White

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 2010 Taxes:

<u>Block/ Lot</u>	<u>Name</u>	<u>Property Location</u>	<u>Amount</u>
504/10	Hochrine, Donald & Jo Ann 69 Cherokee Avenue Allendale, NJ 07401	69 Cherokee Ave	\$2,544.70
1005/13	Coehlo, Marcio & Marcella	74 Hamilton St	\$100.25

	74 Hamilton Street Allendale, NJ 07401		
1403/1	Brew, Phyllis Gutto 18 Canaan Place Allendale, NJ 07401	18 Canaan Place	\$1,167.76
1403/26	Andicoechea, John & Christine 52 Canaan Place Allendale, NJ 07401	52 Canaan Place	\$4,321.86
1604/36	Walsh, David & Lisa 21 George Street Allendale, NJ 07401	21 George St	\$3,820.32
1809/8 C0084	Kowalczyk, Glenn & Heather 1 Kiowa Terrace Oakland, NJ 07436	84 Elm St	\$2,439.33
1903/10	Lakeland Bank 250 Oak Ridge Road Oak Ridge, NJ 07438 Fortanese	56 Berkshire Place	\$4,420.21
2101/9 C0002	Cho, Hyeon In & Hag Dong 2 Trotters Lane Allendale, NJ 07401	2 Trotters Lane	\$79.38
		TOTAL	\$18,893.81

On roll call, all Council members voted in favor.

Resolution 11-102 – Introduced by Ms. LaMonica, seconded by Mrs. White

Be It Resolved by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to transfer the following overpayment listed below from overpayment of 2010 Taxes to Taxes Receivable for 2011:

<u>Block/ Lot</u>	<u>Name</u>	<u>Property Location</u>	<u>Amount</u>
2101/9 C0019	Paige, Peter & Kathryn	19 Trotters Lane Allendale, NJ 07401	\$117.07

On roll call, all Council members voted in favor.

Resolution 11-103 – Introduced by Ms. LaMonica, seconded by Mrs. White

Whereas, an emergent condition has arisen with respect to certain budget appropriations and no adequate provision has been made in the 2011 Temporary Budget, and N.J.S.A. 40A: 4-20 provides for the creation of emergency temporary appropriations for said purpose; and

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale that in accordance with the provisions of N.J.S.A. 40A: 4-20;

1. An emergency temporary appropriation be and the same is hereby made in the total amount of:

Current Fund	
PERS	\$73,360
PFRS	\$242,649

2. That said emergency temporary appropriation will be provided in the 2011 budget;
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

On roll call, all Council members voted in favor.

Resolution 11-104 – Introduced by Ms. LaMonica, seconded by Mrs. White

Whereas, an emergent condition has arisen with respect to certain budget appropriations and no adequate provision has been made in the 2011 Temporary Budget, and N.J.S.A. 40A: 4-20 provides for the creation of emergency temporary appropriations for said purpose; and

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale that in accordance with the provisions of N.J.S.A. 40A: 4-20;

1. An emergency temporary appropriation be and the same is hereby made in the total amount of:

Water Utility	
PERS	\$32,949.33

2. That said emergency temporary appropriation will be provided in the 2011 budget;
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

On roll call, all Council members voted in favor.

Resolution 11-105 – Introduced by Ms. LaMonica, seconded by Mrs. White

Whereas, Steven and Lisa Karvellas are the owners of real estate known as Lot 41 in Block 801 and better known as 144 Green Way, Allendale, New Jersey; and

Whereas, the owners have filed tax appeals challenging the assessment for the years 2009 and 2010; and

Whereas, lot 41 in block 801 was assessed for the years 2009-2010 for \$1,621,000; and

Whereas, the Borough has completed full discovery with respect to this matter, has consulted with the Borough's Appraiser, Charles Ciolino, and has conducted exhaustive negotiations with Counsel for the taxpayer; and

Whereas, the parties have been able to arrive upon a proposed settlement such that the 2009 assessment would be set at \$1,400,000 and the 2010-2011 assessment would be set at \$1,360,300; and

Whereas, the parties have agreed that prejudgment interest shall be waived as a condition of the settlement; and

Whereas, the Borough's Tax Assessor, Angela Mattiace, and its real estate consultant are in agreement with the terms of the settlement and believe it would be in the best interest of the Borough to settle this particular case in accordance with the terms set forth above;

Now, Therefore, Be It Resolved that the Governing Body of the Borough of Allendale agrees to authorize the Municipal Attorney to execute a Stipulation of Settlement on behalf of the Borough with respect to the Karvellas v. Allendale tax appeal pending in the Tax Court of New Jersey for the tax years 2009-2010 under docket numbers 013488-2009 and 004312-2010; and

Be It Further Resolved that upon receipt of the Tax Court Judgment that the Tax Collector is authorized to calculate the amount of the refund and cause same to be paid to the taxpayer, without statutory interest, within sixty (60) days from the date of the Tax Court Judgment;

Be It Further Resolved that this settlement is subject to agreement and acceptance thereof by the taxpayer;

Be It Further Resolved that copies of this Resolution are to be provided to the Municipal Clerk, Borough Treasurer, Borough Tax Assessor, Borough Tax Collector and the Municipal Attorney.

On roll call, all Council members voted in favor.

Resolution 11-107 – Introduced by Ms. LaMonica, seconded by Mrs. White

Be It Resolved that the following rates be and are hereby approved for Crestwood Lake for the 2011 season.

Resident Rates

One Family Member	\$165
Two Family Members	\$220
Three Family Members	\$245
Four Family Members	\$270
Five Family Members	\$295
Six Family Members	\$320
Seven Family Members	\$345
Maximum Family	\$350
Senior Citizen – age 62+ and spouse	\$60 each
Teen Membership – ages 14 through 19	\$100
Daily Guest Fee	\$10

Non Resident Rates

One Family Member	\$265
Two Family Members	\$305
Three Family Members	\$345
Four Family Members	\$385
Five Family Members	\$425
Six Family Members	\$465
Seven Family Members	\$505
Maximum Family	\$525
Senior Citizen – age 62+ and spouse	\$60 each
Teen Membership	Not Available
Daily Guest Fee	\$10

Beach Party Rental Rates

West Beach	11 a.m. to 4 p.m.	\$350
West Beach	4 p.m. to 7 p.m.	\$350
Playground Beach	1 to 20 people	\$100
Playground Beach	21 to 40 people	\$150
Playground Beach	41+ people	\$200

Red Barn

All rates are non-refundable

Allendale Families	\$250
Allendale Businesses	\$500

Non-profit organizations are allowed to pay the family rate.

On roll call, all Council members voted in favor.

Resolution 11-108 – Introduced by Ms. LaMonica, seconded by Mrs. White

Whereas, quotations have been received for implementing a system for registration and badges for Crestwood Lake;

Whereas, Capturepoint has submitted a quotation for such system;

Whereas, the Chief Financial Officer has attached hereto a certification that adequate funds are appropriated to pay for the contract;

Now, Therefore, Be It Resolved by the Governing Body that it does hereby award a contract to Capturepoint of Ridgewood, New Jersey in the total amount of \$6,796.00, which includes a one time implementation fee of \$3,548.00 and an annual subscription fee of \$3,498.00;

Be It Further Resolved that this award is made based upon Capturepoint's quotation being the most advantageous, price and other factors considered;

Be It Further Resolved that the Mayor is authorized to sign an agreement with Capturepoint on behalf of the Borough.

On roll call, all Council members voted in favor.

Committee Reports

Public Safety

Mr. Bernstein did not have a report.

Public Works

Mrs. White did not have a report.

Land Use and Construction Code

Mr. Strauch was absent.

Water, Sewer and Public Utilities

Mr. Schoepflin said a meeting of the Water, Sewer and Public Utilities Committee will be held on March 18th, followed by a meeting with the Northwest Bergen County Utilities Authority at 11:00 a.m.

Administration, Finance and Personnel

Ms. LaMonica did not have a report.

Facilities, Parks and Recreation

Mrs. Wilczynski said the final numbers for Crestwood were in and the Borough made \$100,000 in revenue at the Lake last summer. Representatives of the Finance Committee have been working with the Distributive Education Club of Northern Highlands and the students have ideas to present to them about Crestwood Lake.

Municipal Attorney

Mr. Bole did not have a report

Municipal Clerk/Administrative Officer

Mrs. McCarthy did not have a report.

Mayor Barra opened the meeting to the public for comments.

Mr. Matt Jackson asked how much of the Capital Budget was coming from the taxpayers as opposed to being funded by grants. Mayor Barra responded that the Borough anticipates receiving a \$25,000 grant that is not included in the Capital Budget. The County was late in giving approvals.

Mrs. McCarthy read the following resolution into the record:

Whereas, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

Whereas, this public body is of the opinion that such circumstances presently exist; and

Whereas, the Governing Body wishes to discuss:

Litigation
Tax Appeal: Karvellas v. Allendale

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

Now, Therefore, Be It Resolved, that the public be excluded from this meeting.

On a motion by Ms. LaMonica, seconded by Mrs. White, the Council voted unanimously to adjourn to Executive Session.

Respectfully submitted,

Gwen McCarthy
Municipal Clerk