

April 12, 2012

A regular meeting of the Borough Council was held in the Municipal Building on April 12, 2012. The meeting was called to order at 8:05 p.m. by Mr. 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, Mrs. McSwiggan, Mr. Strauch, Mrs. Wilczynski and Mayor Barra. Ms. LaMonica and Mrs. White were absent. Also present were Mrs. McCarthy and Mr. Bole.

Minutes

Mrs. McSwiggan moved, seconded by Mrs. Wilczynski, to remove the minutes of March 8, 2012 from the agenda for approval due to the lack of a quorum for those minutes. On roll call, Mrs. McSwiggan, Mr. Bernstein, Mr. Strauch and Mrs. Wilczynski voted in favor.

Mrs. McSwiggan moved, seconded by Mrs. McSwiggan, to approve the Work and Regular Session minutes of March 22, 2012 and the Emergency Session of April 4, 2012. On roll call Mrs. McSwiggan, Mr. Bernstein, Mr. Strauch and Mrs. Wilczynski voted in favor.

Adoption of Ordinances

Ordinance 12-07 – Amend Chapter 228 “Solid Waste”

Mayor Barra opened the meeting to the public for questions. There were none.

Resolution 12-115 – Introduced by Mr. Strauch, seconded by Mrs. Wilczynski

Be It Resolved that an Ordinance entitled 12-07, “An Ordinance to Amend Chapter 228 of the Code of the Borough of Allendale entitled Solid Waste 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 12-07 attached and made a part hereof.)

Public Comment

Mr. Barra opened the meeting to the public for comments on agenda items. There were none.

Introduction of Ordinances

Ordinance 12-08 – Exceed the Municipal Budget Appropriation Limits and Establish a CAP Bank

Resolution 12-116 – Introduced by Mr. Strauch, seconded by Mrs. Wilczynski

Be It Resolved that an Ordinance entitled 12-08, “An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank ” heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 26th day of April, 2012, at 8:00 p.m. or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

On roll call, all Council members voted in favor.

(See copy of Ordinance 12-08 attached and made a part hereof.)

Municipal Budget

Mr. Barra said the details of the budget will be discussed in depth on May 10th at which time the budget will be adopted. The Municipal portion of Allendale’s budget will be zero for the second year in a row which he stated was “incredible and unprecedented.”

Mayor Barra thanked everyone on the Council for the excellent work they have done under enormous fiscal pressure. He particularly thanked Lissa Mayer, the CFO who has done a “tremendous job” of working and reworking the budget to determine the best final outcome. Mr. Barra also singled out the work of Susan LaMonica, the Chair of the Finance Committee and Liz White who is the Co-Chair. He stated that to have a zero percent tax increase without cutting services is phenomenal. The staff and department heads are also to be thanked for doing much more with a lot less. Mr. Barra said he was blessed to work with such outstanding individuals.

Mrs. McCarthy read the following statements from Sheet Two of the Budget into the record:

Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2012.

Be It Further Resolved, that said Budget be published in the Record in the issue of April 18, 2012.

The Governing Body of the Borough of Allendale does hereby approve the following as the Budget for the year 2012.

On roll call Mrs. McSwiggan, Mr. Bernstein, Mr. Strauch and Mrs. Wilczynski voted in favor of the 2012 Budget.

Notice is hereby given that the Budget and Tax Resolution was approved by the Governing Body of the Borough of Allendale, County of Bergen, on April 12, 2012.

A hearing on the Budget and Tax Resolution will be held at the Municipal Building on May 10, 2012 at 8:00 o'clock p.m. at which time and place objections to said Budget and Tax Resolution for the year 2012 may be presented by taxpayers or other interested persons.

Consent Agenda

Resolution 12-118 – Introduced by Mr. Strauch, seconded by Mrs. Wilczynski

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 April 12, 2012.

On roll call, all Council members voted in favor.

Resolution 12-119 – Introduced by Mr. Strauch, seconded by Mrs. Wilczynski

Whereas, by Resolution 11-82, adopted February 10, 2010, the Governing Body authorized a tax appeal settlement on a case entitled Arcasoy v. Allendale, Lot 6 in Block 1407, better known as 404 Brookside Avenue, Allendale, New Jersey;

Whereas, pursuant to the authorized settlement, taxpayer agreed and in fact withdrew his 2010 appeal pending in the Tax Court of New Jersey under docket number 020970-2010 and in consideration thereof it was agreed that the 2011 assessment would be set at five hundred and sixty thousand dollars (\$560,000);

Whereas, through inadvertence, the 2011 tax assessment was not reflected on the tax assessment records at \$560,000, as agreed, but instead remained at the original assessment of \$648,800 and taxes were paid on that assessment;

Whereas, it is in the best interests of all parties to cause a refund of the tax overpayment for 2011;

Now, Therefore, Be It Resolved by the Governing Body for good cause as follows:

- (1) That the Tax Collector calculate the amount of the 2011 tax overpayment and cause same to be paid to the taxpayer accordingly.

- (2) That a true copy of this resolution be forwarded to the Tax Assessor, Tax Collector, Municipal Attorney and Robert F. Layton, County Tax Administrator, Bergen County Board of Taxation.

On roll call, all Council members voted in favor.

Resolution 12-120 – Introduced by Mr. Strauch, seconded by Mrs. Wilczynski

Whereas, Pearl Court Investors, LLC has filed a 2011 tax appeal with the State Tax Court challenging assessments on the following properties:

1. Block: 601, Lot: 4 (1 Pearl Court)
2. Block: 601, Lot: 4.01 (3 Pearl Court)
3. Block: 601, Lot: 4.02 (5 Pearl Court)
4. Block: 601, Lot: 4.03 (7 Pearl Court)
5. Block: 601, Lot: 4.04 (2 Pearl Court)
6. Block: 601, Lot: 5 (59 Route 17 South)
7. Block: 601, Lot: 6 (6 Pearl Court); and

Whereas, the 2011 aggregate assessment on the foregoing properties was twenty-four million, five hundred seventy four thousand, two hundred (\$24,574,200.00) dollars; and

Whereas, the Borough has undergone a Municipal-wide revaluation for the tax year 2012; and

Whereas, in consideration for the new revaluation assessment on the foregoing properties of thirty-three million, one hundred ninety-seven thousand, six hundred and seventy (\$33,197,670.00) dollars, taxpayer has agreed to (1) withdraw its 2011 appeal and (2) not challenge the 2012 revaluation assessment; and

Whereas, the Borough has completed full discovery with respect to this matter, has consulted with the Borough's appraiser, Louis Izenberg, and has conducted exhaustive negotiations with counsel for the tax payer; and

Whereas, the Borough's Tax Assessor, Angela Mattiace and Louis Izenberg are in agreement with the terms of this settlement and believe that it would be in the best interests 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 a Municipal Attorney to execute a Stipulation of Settlement on behalf of the Borough with respect to the Pearl Court Investors, Inc. v. Allendale tax appeal pending in the Tax Court of New Jersey under the following docket numbers: 009159-2011, 009166-2011, 009163-2011, 009157-2011, 009074-2011, 009158-2011, and 009154-2011 based upon the terms set forth above; and

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

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

On roll call, all Council members voted in favor.

Resolution 12-121 – Introduced by Mr. Strauch, seconded by Mrs. Wilczynski

Whereas, the Code of the Borough of Allendale 252-62A provides that Park and Ride permit fees shall be established by resolution of the Borough Council,

Now, Therefore, Be It Resolved by the Governing Body that effective August 1, 2012 to July 31, 2013, the fee for Park and Ride permits shall be:

Resident Rate	\$ 50.00
Non-Resident Rate	\$190.00

On roll call, all Council members voted in favor.

Resolution 12-122 – Introduced by Mr. Strauch, seconded by Mrs. Wilczynski

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 Calvary Lutheran Church of Allendale, New Jersey, Block 910, Lots 2, 17.01 and 17.02.

On roll call, all Council members voted in favor.

Resolution 12-123 – Introduced by Mr. Strauch, seconded by Mrs. Wilczynski

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that the application of the Guardian Angel Church to hold a carnival from June 14, 2012 through June 17, 2012.

On roll call, all Council members voted in favor.

Resolution 12-124 – Introduced by Mr. Strauch, seconded by Mrs. Wilczynski

Whereas, the Engineer has requested that certain changes are needed in the contract for Improvements to Powell Road and Various Streets, and

Whereas, a net increase of \$3,833.00 will result from the following items:

- Reconciling contract quantities.

- Authorizing additional work at 50 Powell Road.
- Authorizing additional work concerning an abandoned drainage pipe.
- Removing striping work from the contract which is to be done by others.

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 approximately \$3,833.00 be approved for Improvements to Powell Road and Various Streets. This Change Order will result in an increase in the original contract amount from \$236,442.00 to \$240,275.00 or a 1.62% increase.

On roll call, all Council members voted in favor.

Resolution 12-125 – Introduced by Mr. Strauch, seconded by Mrs. Wilczynski

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 appoints the following individuals as Dog Census Workers:

Name	Rate	Effective Date
Robert E. Paterson	\$12.50/hour	April 13, 2012
Robert B. Paterson	\$12.50/hour	April 13, 2012

On roll call, all Council members voted in favor.

Resolution 12-126 – Introduced by Mr. Strauch, seconded by Mrs. Wilczynski

Whereas, the Engineer has requested that certain changes are needed in the contract for 2008 Curb Improvements, and

Whereas, a net increase of \$2,700.00 will result from the following items:

- Reconciling final contract quantities.

Whereas, this change is authorized by a certification of funds by the Chief Financial Officer.

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 Three resulting in a decrease of approximately \$2,700.00 be approved for 2008 Curb Improvements. Change Orders to date have resulted in an increase in the original contract amount from \$76,943.30 to \$78,787.30.

On roll call, all Council members voted in favor.

Resolution 12-127 – Introduced by Mr. Strauch, seconded by Mrs. Wilczynski

Be It Resolved by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to issue the following checks on the properties listed below and charge same to Overpayment of 2011 Taxes:

2011

Block/ Lot	Name	Property Location	Amount
509/1	BAC Tax Services Corporation	46 Harreton Rd CA6-913-LB-01 PO Box 10211 Van Nuys, CA 91499-6089 Hwang	\$375.00
511/9.01	BAC Tax Services Corporation	70 E Crescent Ave CA6-913-LB-01 PO Box 10211 Van Nuys, CA 91499-6089 Kim	\$500.00
1005/10	BAC Tax Services Corporation	67 Hamilton St CA6-913-LB-01 PO Box 10211 Van Nuys, CA 91499-6089 Siracusa	\$317.65
1201.01/10	BAC Tax Services Corporation	203 Mac Intyre Ln CA6-913-LB-01 PO Box 10211 Van Nuys, CA 91499-6089 Langone	\$5,313.06
1204/16	BAC Tax Services Corporation	5 Surrey Ln CA6-913-LB-01 PO Box 10211 Van Nuys, CA 91499-6089 Laurent	\$500.00
1206/5	BAC Tax Services Corporation	58 Forest Rd CA6-913-LB-01 PO Box 10211 Van Nuys, CA 91499-6089 Glasheen	\$333.50
1405/3	Zerrenner, Kyle & Melissa	77 Canaan Pl 77 Canaan Place Allendale, NJ 07401	\$902.24
1502/2	BAC Tax Services Corporation	8 Beresford Rd CA6-913-LB-01	\$500.00

	PO Box 10211 Van Nuys, CA 91499-6089 Kolvek		
1705/7	BAC Tax Services Corporation CA6-913-LB-01 PO Box 10211 Van Nuys, CA 91499-6089 Cauwenberghs	165 Mallinson St	\$380.07
1705/13	BAC Tax Services Corporation CA6-913-LB-01 PO Box 10211 Van Nuys, CA 91499-6089 Sansom	63 Brookside Ave	\$3,046.05
1707/10	BAC Tax Services Corporation CA6-913-LB-01 PO Box 10211 Van Nuys, CA 91499-6089 Shedler	81 Mallinson St	\$372.88
1710/1.01 C0136	BAC Tax Services Corporation CA6-913-LB-01 PO Box 10211 Van Nuys, CA 91499-6089 Bittner	136 Orchard Pk	\$122.36
1710/1.01 C0226	Park, Nae Sang & Eun Hee 226 Orchard Park Allendale, NJ 07401	226 Orchard Pk	\$244.73
1710/1.01 C0231	BAC Tax Services Corporation CA6-913-LB-01 PO Box 10211 Van Nuys, CA 91499-6089 Cho	231 Orchard Pk	\$256.53
1809/11	BAC Tax Services Corporation CA6-913-LB-01 PO Box 10211 Van Nuys, CA 91499-6089 Van Teyens	38 Elm St	\$398.95
2005/13	Nitz, Kim 170 Franklin Turnpike Allendale, NJ 07401	170 Franklin Tpke	\$461.61
2101/9 C0067	BAC Tax Services Corporation CA6-913-LB-01 PO Box 10211	67 Trotters Ln	\$462.44

Van Nuys, CA 91499-6089
Choi

TOTAL **\$14,487.07**

On roll call, all Council members voted in favor.

Resolution 12-128 – Introduced by Mr. Strauch, seconded by Mrs. Wilczynski

Be It Resolved by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to issue a check on the properties listed below, assessed to Allendale Associates, and charge same to the Tax Refund Bond Ordinance due to State Tax Board Judgments for tax years 2010 and 2011:

2010

Block/Lot	Name	Amount
601/1	Wells, Jaworski & Liebman LLP, Trust Account 12 Route 17 North PO Box 1827 Paramus, NJ 07653-1827	\$39,365.64
601/2	Wells, Jaworski & Liebman, LLP, Trust Account	\$36,638.54
601/3	Wells, Jaworski & Liebman, LLP, Trust Account	\$34,756.01
702/14	Wells, Jaworski & Liebman, LLP, Trust Account	\$98,700.31
702/15	Wells, Jaworski & Liebman, LLP, Trust Account	\$64,275.84
702/16	Wells, Jaworski & Liebman, LLP, Trust Account	\$39,286.14
	2010 TOTAL	\$313,022.48

2011

601/1	Wells, Jaworski & Liebman, LLP, Trust Account 12 Route 17 North PO Box 1827 Paramus, NJ 07653-1827	\$35,399.43
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601/2	Wells, Jaworski & Liebman, LLP, Trust Account	\$32,984.58
601/3	Wells, Jaworski & Liebman, LLP, Trust Account	\$31,197.28
702/14	Wells, Jaworski & Liebman, LLP, Trust Account	\$89,944.89
702/15	Wells, Jaworski & Liebman, LLP, Trust Account	\$57,857.43
702/16	Wells, Jaworski & Liebman, LLP, Trust Account	\$32,885.56
2011 TOTAL		\$280,269.17

On roll call, all Council members voted in favor.

Resolution 12-129 – Introduced by Mr. Strauch, seconded by Mrs. Wilczynski

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 Raffle License #371 as follows:

Rose Foundation of Haiti, Inc.
May 5, 2012
Casino Night
6:30 to 10:30 p.m.
Guardian Angel Church

Prizes will be donated items to include a catering pasta buffet for twenty, a private tour of the White House (for two people), one child’s admission to Giants Youth Football Camp, a signed New York Jets football and a signed Boston Red Sox Jersey and Baseball.

On roll call, all Council members voted in favor.

Resolution 12-130 - Introduced by Mr. Strauch, seconded by Mrs. Wilczynski

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 Raffle License #372 as follows:

Rose Foundation of Haiti
May 5, 2012
On Premises 50/50 Raffle
7 p.m.
Raffle Location: Guardian Angel Church, 320 Franklin Turnpike

Prizes will be 50% of the proceeds from ticket sales.

On roll call, all Council members voted in favor.

Resolution 12-131 – Introduced by Mr. Strauch, seconded by Mrs. Wilczynski

Whereas, the Borough of Allendale requires the services of Special Counsel for tax appeals; and

Whereas, it is contemplated that the temporary and permanent budgets will contain the necessary appropriations estimated to be reasonably required for such professional services; and

Whereas, the professional named herein will be required to execute a contract for the services to be rendered which will set forth the terms and conditions of such services; and

Whereas, the Chief Financial Officer has certified that it is not anticipated that the value of the contract will exceed Seventeen Thousand, Five Hundred (\$17,500.00) dollars;

Now, Therefore, Be It Resolved by the Governing Body that Edward Rogan and Associates, L.L.C. of Hackensack, New Jersey is hereby appointed as Special Counsel for tax appeals until December 31, 2012 at the rate of One Hundred and Twenty Five (\$125.00) dollars per hour;

Be It Further Resolved the Mayor and Municipal Clerk are authorized to sign a professional services contract with said firm, following legal review; and

Be It Further Resolved that the aforesaid appointment is made without competitive bidding under the provisions of N.J.S.A. 40A:11-5(1)(a) which excepts from competitive bidding professional services rendered by persons authorized by law to practice a recognized profession whose practice is regulated by law; and

Be It Further Resolved that the compensation to be paid for the professional named herein shall not exceed the budget appropriation for such services unless properly ordained in accordance with law; and

Be It Further Resolved that a copy of this Resolution be filed with the Municipal Clerk and be made available for inspection and that a brief notice of the passage thereof be published in the Record within ten (10) days of passage as required by law.

On roll call, all Council members voted in favor.

Committee Reports

Public Works

Mrs. Wilczynski said she and Mrs. McSwiggan are working on the Crestwood newsletter. The newsletter will include information on the 5K Run, Allendale Festival Day and the Relay for Life in addition to a blurb about Swift Reach. Anyone who would like to contribute an article has until Monday to do so.

Mrs. Wilczynski said there is a student from Northern Highlands who will be creating a new website for Crestwood Lake. She is anticipating the registration for this summer's Lake program will go smoothly.

Water Committee

Mrs. McSwiggan announced the Water Committee will be meeting on April 18th.

She asked for the residents to check for leaks when they begin operating their water sprinkler systems this Spring.

Although there hasn't been a lot of rain this year, she reminded the public that any home sump pumps need to be connected legally. If there are any questions about those connections they can be addressed to the Allendale Water Department.

Mayor Barra added that he met with the Executive Director of the Northwest Bergen Sewer Authority and both Waldwick and Allendale will continue programs of checking into infiltration of the sewer lines and improperly connecting sump pumps into the sewer system.

Allendale's annual sewer charges are 15% of the budget or \$1,800,000. In Allendale approximately five to ten percent of those charges go to pay for improper use of sump pumps.

Public Safety

Mr. Bernstein said the Public Safety was supposed to meet this week but that meeting will be rescheduled.

Land Use and Construction Code

Mr. Strauch stated that the Planning Board is moving forward with the D Zone review and update and they will be having a public hearing on that topic on April 19th. Hopefully a recommendation will come back to the Council in May.

The next Land Use meeting will be Friday, May 11th at 8:15 a.m.

Municipal Attorney

Mr. Bole said his report would be given in Executive Session.

Municipal Clerk

Mrs. McCarthy said beginning tomorrow morning, copies of the 2012 Budget will be available to the public.

Mr. Barra opened the meeting to the public for general comments.

There were no comments from the public.

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

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 from Ms. LaMonica, seconded by Mr. Strauch, the Council voted unanimously to adjourn to Regular Session at 8:03 p.m.

Respectfully submitted,

Gwen McCarthy
Municipal Clerk