

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
May 28, 2015

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 May 28, 2015. The meeting was called to order at 8:02 p.m. by Mayor White who asked that the Interim Municipal Clerk Read the open public meetings statement:

This meeting is called pursuant to the provisions of the Open Public meetings Law. This meeting of May 28, 2015, was included in the list of meetings notice sent to the Record, Ridgewood News, Star Ledger on January 7, 2015 and advertised in said newspapers on January 10, 2015, posted on the bulletin board in the municipal building on January 7, 2015 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

The Mayor led those present in a salute to the flag.

Roll Call:

The following individuals answered roll call: Councilmembers Bernstein, Homan, Sasso, Strauch, Wilczynski, and Mayor White chaired the meeting.

Absent: Councilwoman McSwiggan

Raymond Wiss, Municipal Attorney, and Deborah Fehre, Interim Municipal Clerk, were also present.

Public Hearings for Advertised Ordinances:

Adoption of Ordinance 15-15

ORDINANCE 15-15

AN ORDINANCE TO ESTABLISH CHAPTER 238 OF THE CODE OF THE BOROUGH OF ALLENDALE ENTITLED “TEMPORARY STORAGE CONTAINERS”

Mayor White opened the meeting to the public for comments on ordinance 15-15

There were no public comments.

On a motion by Councilman Strauch, seconded by Councilman Sasso, Ordinance 15-15 was offered for adoption.

On Roll Call: Aye – Bernstein, Homan, Sasso, Strauch, and Wilczynski.

Absent: Councilwoman McSwiggan

(See Ordinance 15-15, attached and made a part hereof.)

Adoption of Ordinance 15-16

ORDINANCE 15-16

**AN ORDINANCE TO ESTABLISH CHAPTER 143 OF THE CODE OF THE BOROUGH
OF ALLENDALE ENTITLED “RECOVERY OF COST OF CLEANUP OF
HAZARDOUS MATERIALS”**

Mayor White opened the meeting to the public for comment on Ordinance 15-16

There were no public comments.

On a motion by Councilman Strauch, seconded by Councilwoman Homan, Ordinance 15-16 was offered for adoption.

On Roll Call: Aye – Bernstein, Homan, Sasso, Strauch, and Wilczynski.
Absent: Councilwoman McSwiggan

(See Ordinance 15-16, attached and made a part hereof.)

Adoption of Ordinance 15-17

ORDINANCE NO.15-17

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE
BOROUGH OF ALLENDALE, LITTERING, CHAPTER 158-3**

Mayor White opened the meeting to the public for comments on Ordinance 15-17

There were no public comments.

On a motion by Councilman Strauch, seconded by Councilwoman Wilczynski, Ordinance 15-17 was offered for adoption.

On Roll Call: Aye – Bernstein, Homan, Sasso, Strauch, and Wilczynski.
Absent: Councilwoman McSwiggan

(See Ordinance 15-17, attached and made a part hereof.)

Adoption of Ordinance 15-18

ORDINANCE NO.15-18

**ORDINANCE APPROPRIATING \$35,000 FROM THE
GENERAL CAPITAL FUND BALANCE FOR ENGINEERING FOR CAPITAL
PROJECTS BY THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN,
NEW JERSEY**

Mayor White opened the meeting to the public for comments on Ordinance 15-18

There were no public comments.

On a motion by Councilman Bernstein, seconded by Councilwoman Wilczynski, Ordinance 15-18 was offered for adoption.

On Roll Call: Aye – Bernstein, Homan, Sasso, Strauch, and Wilczynski.
Absent: Councilwoman McSwiggan

(See Ordinance 15-18, attached and made a part hereof.)

Public Comment on any agenda item:

There were no comments from the public

Resolutions:

Resolutions 15-180 through 15-192

On a motion by Councilman Strauch, seconded by Councilwoman Wilczynski, Resolutions 15-180 through 15-190 were offered for adoption.

On Roll Call: Aye – Bernstein, Homan, Sasso, Strauch, and Wilczynski.
Absent: Councilwoman McSwiggan

Resolution 15-180

Approval of 2015 July 4th Celebration

Be It Resolved that Crestwood Park will close at 5:00 p.m. on July 4, 2015; and,

Be It Further Resolved that the Holiday Observers are hereby authorized to conduct a fireworks display and celebration at Crestwood Lake commencing at dusk on Saturday, July 4, 2015 with a rain date of Sunday, July 5, 2015; and,

Be It Further Resolved that the fireworks display is subject to appropriate review and approval of insurance and the receipt of a permit from the Allendale Bureau of Fire Prevention.

Resolution 15-181

Approve Crestwood Lake Summer Camp Registration Contract

Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that the contract with The Gifted Child Society (TGCS) Summer Super Star Camp 2015, 298 Hillside Avenue, Allendale, NJ be approved; and

Be It Further Resolved that the Mayor and Municipal Clerk are hereby authorized to sign said contract.

Resolution 15-182

Approve Allendale Athletic Fields and Recreational Facilities Fee Schedule

Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that the Allendale Athletic Fields and Recreational Facilities Fee Schedule be approved as follows:

Category 1 and Category 2 users do not have to pay a permit fee.

Category 3A and 3B users will pay \$150.00 per field per use for a maximum of two (2) hours.

Category 3C users will pay \$400.00 per field per day, plus a security deposit or bond of \$1,000.00 to cover any repairs needed for damage done.

The rental fee for use of the Red Barn facility will vary, depending upon the number of participants in the rental party, whether the renter is an Allendale resident, whether the renter is a business or family, and whether the renter wants to use the athletic fields behind the Red Barn. An additional fee will be assessed if the rental party wants to swim in Crestwood Lake. The Permit Application Form for the Red Barn is available at Borough Hall or online at www.allendale.org/forms. Appropriate liability insurance also is required.

Special events, such as tournaments will be subject to a fee that will cover the extra cost incurred by the Borough of Allendale employees to prepare and maintain the field(s) or facility for the event, plus any charges for special police or emergency personnel coverage that is necessary. These fees will be agreed upon in advance by the Borough of Allendale and the group organizing the event.

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The Borough of Allendale reserves the right to waive any or all of the policies and procedures governing permission to use its fields and facilities, or to impose additional requirements, for any organization or group applying for such a permit.

Resolution 15-183

**Borough of Allendale
Resolution Approving Contract for Services
With Dr. Robert Burchell**

WHEREAS, the Borough of Allendale (“Allendale”) is currently in the process of seeking the approval of the Superior Court of New Jersey of Allendale’s fair share housing plan under the Mt. Laurel series of court decisions and other laws relating thereto; and

WHEREAS, the retention of an expert to assist the Borough in determining the Borough’s fair share housing numbers is an important element in obtaining such court approval; and

WHEREAS, the New Jersey Public Contracts Law, N.J.S.A. 40A:11-1, et seq. (“NJPCCL”) provides under N.J.S.A. 40A:11-3 that contracts for services which do not exceed the bid threshold in the NJPCCL may be awarded without public advertising and bidding therefore; and

WHEREAS, Dr. Robert Burchell (“Burchell”), an expert on issues concerning a New Jersey Municipality’s fair share housing obligation, has agreed to prepare an expert report to establish his view of the proper way to determine a municipality’s fair share housing objection; and

WHEREAS, Allendale, by its adoption of this Resolution wishes to memorialize its approval of a contract to be entered into between Allendale and Burchell whereby Burchell will perform those services and incur those direct expenses reasonable and necessary to prepare such expert report and other services related thereto, the total cost of which shall not exceed \$10,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that (1) the Borough contract with Burchell for those services and expenses, in an amount not to exceed \$10,000, reasonable and necessary to prepare an expert report, and services related thereto, for Allendale in connection with its efforts to seek court approval of its fair share housing plan; and (2) that Allendale’s Mayor, Interim Borough Clerk and Borough Attorney are authorized to take all appropriate actions so as to implement this Resolution.

Resolution 15-184

**BOROUGH OF ALLENDALE
RESOLUTION APPROVING SEPARATION AGREEMENT**

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WHEREAS, Frank Valenzuela is the Acting Municipal Clerk of the Borough of Allendale and is employed as such pursuant to a contract between him and the Borough of Allendale; and

WHEREAS, Frank Valenzuela and the Borough of Allendale have mutually agreed that Frank Valenzuela will separate from his employment with the Borough of Allendale effective May 29, 2015 pursuant to and in accord with an “Agreement and General Release” (the “Agreement”) executed by Frank Valenzuela on May 27, 2015, the terms of which Agreement are incorporated herein by reference; and

WHEREAS, the Mayor and Council of the Borough of Allendale deem it to be in the best interest of the Borough of Allendale to enter into such Agreement with Frank Valenzuela.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that the Agreement be and hereby is agreed to and that the Borough of Allendale enter into said Agreement with Frank Valenzuela; and

BE IT FURTHER RESOLVED that the Mayor and Interim Municipal Clerk are authorized to sign the Agreement with Frank Valenzuela.

Resolution 15-185

Transfer of Mistaken Water Payment

Whereas, Mehmet Toy of 10 Wilton Drive, Allendale, New Jersey inadvertently made payment of his tax bill to the water account in the amount of \$5,381.52

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that the Water Collector is hereby authorized to issue a check or otherwise transfer \$5,381.52 from the Water Operating Account and apply the same amount to the owed property taxes at 10 Wilton Drive, Allendale, New Jersey.

Resolution 15-186

2015 Crestwood Lake Salary Resolution – Supplement One

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 hires the following individuals at the corresponding rates of pay for the Crestwood Lake Swim Club 2015 Season as follows:

Thomas Hart	Lifeguard	\$8.75 per hour
Chris Forst	Lifeguard	\$9.75 per hour
Emma Sullivan	Sub Lifeguard	\$9.75 per hour
Eric Macksoud	Assistant Dive Coach	\$350 Stipend

Resolution 15-187

Appointment of Summer Interns at the Allendale Police Department

Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that Ryan Berger and Joseph Burns be appointed to unpaid summer internships at the Allendale Police Department effective June 16, 2015; and,

Be It Further Resolved that these abovementioned individuals shall not work more than twenty (20) hours per week.

Resolution 15-188

Appointment of an Hourly Seasonal Intern at Borough Hall

Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that Avery A. Baratz be appointed as an hourly, part-time, seasonal intern at Borough Hall effective June 29, 2015 at a rate of \$12.00 per hour; and,

Be It Further Resolved that this appointment shall expire August 14, 2015.

Resolution 15-189

Appointment of an Hourly Seasonal Intern at Borough Hall

Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that Samantha Bennewitz be appointed as an hourly, part-time, seasonal intern at Borough Hall effective June 1, 2015 at a rate of \$12.00 per hour; and,

Be It Further Resolved that this appointment shall expire August 14, 2015.

Resolution 15-190

**Increase in Hourly wage for Part-Time Employee
for Borough Website Design and Support
and Seasonal Intern**

Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that Deborah Gravina, shall continue as an hourly, part-time employee for Borough Website design and support shall receive an increase of \$1.00 per hour for a new hourly wage of \$13.00 through December 31, 2015; and,

Be It Further Resolved that Deborah Gravina be appointed as an hourly, part-time, seasonal intern at Borough Hall effective June 9, 2015 through July 10, 2015 at a rate of \$13.00 per hour; and,

Resolution 15-191

Appointment of an Hourly Seasonal Intern at Borough Hall

Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that Tyler Yaccarino be appointed as an hourly, part-time, seasonal intern at Borough Hall effective July 13, 2015 at a rate of \$12.00 per hour; and,

Be It Further Resolved that this appointment shall expire August 21, 2015.

Resolution 15-192

**BOROUGH OF ALLENDALE
RESOLUTION APPROVING AUTHORIZATION TO PREPARE BID
SPECIFICATIONS AND TO SOLICIT BIDS FOR WHEEL LOADER FOR
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Mayor and Council for the Borough of Allendale have determined that the Borough of Allendale Department of Public Works is in need of an Articulated Wheel Loader for its operations; and

WHEREAS, the CFO for the Borough of Allendale has confirmed that the Borough of Allendale's capital budget for 2015 has provided for, and there presently exists, sufficient funds for the purchase of such Articulated Wheel Loader; and

WHEREAS, under the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., the cost of the acquisition of such Articulated Wheel Loader requires that the contract to purchase same be obtained by way of public advertising for bids and bidding therefore; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that the Borough of Allendale's Mayor, Chief Financial Officer, Interim Municipal Clerk, Borough Counsel and the Director of Operations of the Borough of Allendale Department of Public Works, be and hereby are authorized to prepare such bid specifications, bid package and other documents and take such other actions as may be necessary or required to publically advertise for bids for, conduct the bidding for, and otherwise comply with the New Jersey Local Public Contracts Law in connection with, a contract for such acquisition of the Articulated Wheel Loader.

Authorization to Pay Bills

On a motion by Councilman Strauch, seconded by Councilman Bernstein, Resolution 15-193 was offered for approval.

On Roll Call: Aye – Bernstein, Homan, Sasso, Strauch, and Wilczynski.
Absent: Councilwoman McSwiggan

Resolution 15-193

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 May 28, 2015 in the following amounts: \$ 1,763,219.03 from the Current Fund and \$244,369.62 from the Water Operating Fund.

Unfinished Business:

There was no unfinished business

New Business:

There was no new business

Council Committee Reports and Comments

Councilman Sasso - Public Works

The Public Works committee met yesterday, it was a smooth quick meeting. Layne, the Crew Chief mentioned that the garbage truck at the recycling center is being emptied every two weeks instead of every week with the enhanced curbside pick-up.

Councilwoman Wilczynski – Facilities, Parks and Recreation

The opening at the Lake was a huge success. Ron Kistner, Director of Operations, made hamburgers. The DPW did an amazing job. Ritchie McDowell and Joe Burns did a lot of work. Participation in the Memorial Day parade was amazing, very touching. Kudos to our new Mayor who did a great job at last night's meeting regarding the upcoming West Crescent Bridge closing. We will put a tab on website with the timeline of construction also we can do resident emails. People liked getting the information and we will give it to them.

Councilwoman Homan – Public Safety

Police-Public Safety committee will meet one week from tomorrow. AVAC is tremendous as always. The parade was great, all departments participated. Thank you to everyone.

For Councilwoman McSwiggan: The water meeting was Tuesday morning. Great job by Jackie there are many issues to handle. The Mayor added a thank you to Alissa Mayer, CFO, as well for handling issues with United Water.

Councilman Strauch - Land Use and Construction Code

Land Use committee will meet Monday June 1st at 8:00. We are working with the vacant property ordinance we passed last year to tighten up the processes outlined in the ordinance.

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Councilman Bernstein – Administration, Finance and Human Resources
Administration/Finance/HR committee met May 19th, Angela Mattiace, our Tax Assessor discussed the town’s exposure regarding residential and commercial tax appeals. Alissa Mayer, CFO, gave her monthly budget report which showed how far along we are for the year under and over 42% of budget, thank you to Lissa. Thank you to all for staying within their budgets. Our next meeting is June 24th.

Staff Reports:

Raymond Wiss, Municipal Attorney, a lot of ordinances, resolutions, and contract matters on tonight’s agenda were worked on by our office. We are also addressing Government Records Council and COAH litigations.

Deborah Fehre, Interim Municipal Clerk, the Clerk’s office is ready for the Primary, June 2nd.

Alissa Mayer, Chief Financial Officer, no report

Public Comment on any issue

There were no comments from the public

Adjournment:

On a motion by Councilman Strauch, seconded by Councilman Sasso, the Council voted unanimously to adjourn at 8:22 p.m.

Respectfully submitted

Deborah Fehre, RMC
Interim Municipal Clerk