

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
August 13, 2015

PRESENT: Mayor Elizabeth White and Council members Ari Bernstein, Jackie McSwiggan, Steve Sasso, Jim Strauch, and Amy Wilczynski

ABSENT: Council member Liz Homan

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 August 13, 2015. The meeting was called to order at 8:05 p.m. by Mayor White who asked that the Municipal Clerk read the open public meetings statement:

This meeting is called pursuant to the provisions of the Open Public Meetings Act. This meeting of August 13, 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.

Approval of Minutes:

Motion by Councilwoman McSwiggan, second by Councilwoman Wilczynski, to approve minutes of the July 23, 2015 Work Session and July 23, 2015 Regular Session. On a roll call, all members present voting in favor, none opposed.

Public Hearings for Advertised Ordinances:

Ordinance 15-11

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on July 9, 2015 and posted on the bulletin board of the municipal center.

ORDINANCE NO. 15-11 - AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, ZONING, CHAPTER 270

Mayor White opened the meeting to the public for comments on Ordinance 15-11.

No one came forward.

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
August 13, 2015

Motion by Councilwoman McSwiggan, second by Councilman Bernstein, to adjourn the Public Hearing on Ordinance 15-11 to the August 27th Regular Session.

On a roll call, the vote was recorded as follows:

Councilmember Bernstein: aye	Councilmember Sasso: aye
Councilmember Homan: absent	Councilmember Strauch: aye
Councilmember McSwiggan: aye	Councilmember Wilczynski: aye

(See Ordinance 15-11, attached and made a part hereof.)

Ordinance 15-20

Mayor White noted that due to the substantial revisions that have been made to this ordinance, it will need to be reintroduced.

Motion by Councilman Bernstein that the following revised ordinance be introduced and passed on first reading and setting August 27, 2015 at 8:00 p.m. or as soon thereafter as the as the matter can be heard as the date and time in the Council Chambers of the Allendale Municipal Building as the place for a hearing on said ordinances. Second by Councilwoman McSwiggan.

The Borough Clerk read the title of the ordinance into the record:

ORDINANCE 15-20 – “CRIMINAL HISTORY RECORD BACKGROUND CHECKS”

On a roll call, the vote was recorded as follows:

Councilmember Bernstein: aye	Councilmember Sasso: aye
Councilmember Homan: absent	Councilmember Strauch: aye
Councilmember McSwiggan: aye	Councilmember Wilczynski: aye

(See Ordinance 15-20, attached and made a part hereof.)

Public Comment on any agenda item:

There were no comments from the public.

Introduction of Ordinances

Motion by Councilman Bernstein that the following ordinances be introduced and passed on first reading and setting August 27, 2015 at 8:00 p.m. or as soon thereafter as the as the matter can be

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
August 13, 2015

heard as the date and time in the Council Chambers of the Allendale Municipal Building as the place for a hearing on said ordinances. Second by Councilwoman Wilczynski.

The Borough Clerk read the title of the ordinance into the record:

ORDINANCE 15-22 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, OFFICERS AND EMPLOYEES, CHAPTER 53

ORDINANCE 15-23 - AN ORDINANCE TO AMEND CHAPTER 53 OF THE CODE OF THE BOROUGH OF ALLENDALE TO FIX THE SALARIES, WAGES AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF ALLENDALE FOR THE YEAR 2015.

On a roll call, the vote was recorded as follows:

Councilmember Bernstein:	aye	Councilmember Sasso:	aye
Councilmember Homan:	absent	Councilmember Strauch:	aye
Councilmember McSwiggan:	aye	Councilmember Wilczynski:	aye

(See Ordinance 15-22 and Ordinance 15-23, attached and made a part hereof.)

Motion by Councilman Strauch that the following ordinance be introduced and passed on first reading and setting September 24, 2015 at 8:00 p.m. or as soon thereafter as the as the matter can be heard as the date and time in the Council Chambers of the Allendale Municipal Building as the place for a hearing on said ordinance. Second by Councilwoman McSwiggan.

The Borough Clerk read the title of the ordinance into the record:

ORDINANCE 15-24 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, ZONING, CHAPTER 270-103(C)

On a roll call, the vote was recorded as follows:

Councilmember Bernstein:	aye	Councilmember Sasso:	aye
Councilmember Homan:	absent	Councilmember Strauch:	aye
Councilmember McSwiggan:	aye	Councilmember Wilczynski:	aye

(See Ordinance 15-24, attached and made a part hereof.)

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
August 13, 2015

Consent Agenda

- A. 15-239/ Approval of Bill List
- B. 15-240/Appoint Mayor Elizabeth White – Open Space Trust Municipal Program Regional Committee
- C. 15-241/Approve “Corrective Action Plan” for Fiscal Year 2014 Audit Report
- D. 15-242/Appoint Interim Borough Clerk – August 27, 2015 Regular Meeting
- E. 15-243/Amend Resolution 15-234 – Appoint Dog Census Workers
- F. 15-244/Approve of the 2015-2016 Flu Program
- G. 15-245/Authorize NJDOT Municipal Aid Program Grant Application Submission – MA-2016-Donny Brook Drive-00003
- H. 15-246/Authorize Capital Alternatives Corporation to submit 2016 NJDOT Municipal Aid Project Grant Application - MA-2016-Donny Brook Drive-00003
- I. 15-247/Approve Elevator Maintenance Contracts – Slade Elevator
- J. 15-248/Authorize Bergen County Trust Fund Project Contract – Bergen County Open Space, Recreation, Floodplain Protection, Farmland, & Historic Preservation Trust Fund – Tennis Court Rehabilitation
- K. 15-249/Appoint Raymond R Wiss – Legal Counsel – D’Antonio v. Retained Reality

Motion by Councilwoman Wilczynski, second by Councilwoman McSwiggan that the Consent Agenda be approved.

On a roll call, the vote on the Consent Agenda was recorded as follows:

Councilmember Bernstein: aye	Councilmember Sasso: aye
Councilmember Homan: absent	Councilmember Strauch: aye
Councilmember McSwiggan: aye	Councilmember Wilczynski: aye

All members present voting in favor, the Consent Agenda was approved.

Resolution 15-239

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 August 13, 2015 in the amounts of:

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
August 13, 2015

Current Fund	\$2,390,943.98
General Capital	\$24,489.10
Improvement & Beautification	\$500.00
Dog Fund	\$3,105.20
COAH/Housing Trust	\$360.00
Trust Fund	\$5,296.00
Unemployment Fund	\$1,695.64
Total	\$2,426,389.92

Resolution 15-240

Municipal Representative for Open Space Committee

WHEREAS, the Municipality of Allendale has entered into a Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:8A-1 et seq. to participate in the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund; and

WHEREAS, said Agreement requires that one municipal representative be appointed by the Governing Body of the community to be part of the Open Space Trust Municipal Park Improvement and Land Acquisition Program Regional Committee for the term of one year coinciding with the fiscal year July, 2015 through June 30, 2016.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Municipality of Allendale hereby appoints Mayor Elizabeth White as its representative to participate on the Open Space Trust Municipal Program Regional Committee.

Resolution 15-241

Approval of Corrective Action Plan

Whereas, the Division of Local Government Services requires the Chief Financial Officer to file a "Corrective Action Plan" outlining the actions to be taken relative to the findings and recommendations in the annual audit report; and

Whereas, the "Corrective Action Plan" shall be prepared by the Chief Financial Officer with the assistance of the departments affected by the audit finding and recommendations, and

Whereas, the Governing Body is required by resolution, to approve said "Corrective Action Plan" and shall be placed on file and made available for public inspection in the Office of the Municipal Clerk,

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
August 13, 2015

Now, Therefore, Be It Resolved that the Governing Body of the Borough of Allendale hereby approves the "Corrective Action Plan" for the fiscal year 2014 Audit Report submitted by the Chief Financial Officer.

Resolution 15-242

Resolution Appointing Interim Borough Clerk

WHEREAS, there presently exists a need on the part of the Borough of Allendale ("Allendale") to hire an Interim Borough Clerk to serve in such capacity at the August 27, 2015 regular meeting of the Mayor and Council; and

WHEREAS, Allendale, by adoption of this Resolution, wishes to appoint Gwen McCarthy to the position of Interim Borough Clerk as set forth in this Resolution; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that Gwen McCarthy be and hereby is appointed as Interim Borough Clerk to serve in such capacity at the August 27, 2015 regular meeting of Mayor and Council, and that she shall be paid \$200.00 by the Borough for such services; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor, the Chief Financial Officer, Municipal Clerk and the Borough Attorney are authorized to take all appropriate actions so as to implement this Resolution.

Resolution 15-243

Appointment of Dog Census Workers

Whereas, Resolution 15-234 dated July 23, 2015 was adopted by the Governing body approving the appointment of Dog Census Workers; and

Whereas, Robert E. Paterson was appointed to this position in error.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that Resolution 15-234 be amended to appoint Robert B. Paterson as a Dog Census Workers at a rate of \$12.50/hour effective July 27, 2015.

Be it Further Resolved that the work is to be completed within 2 months and the cost shall not exceed \$1,200.00.

Be it Further Resolved that the appointment of Robert E. Paterson to the position of Dog Census Worker is hereby rescinded.

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
August 13, 2015

Resolution 15-244

Approval of Flu Program

Whereas, there is a need for a flu program in the Borough of Allendale, and

Whereas, the County of Bergen will provide this program under the Department of Health Services, and

Whereas, the County of Bergen provides flu vaccine at a cost of \$175.00 per ten dose vial, and

Whereas, the Allendale Board of Health has a need for ten vials of flu vaccine, and

Whereas, the Chief Financial Officer has certified that there are funds for this agreement;

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 approved the agreement between the Borough of Allendale and the County of Bergen for the flu vaccination program;

Be It Further Resolved that the Mayor is hereby authorized to sign said agreement.

Resolution 15-245

Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Donny Brook Drive project.

WHEREAS, the Borough of Allendale is requesting funding from the New Jersey Department of Transportation Municipal Aid Program.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Allendale formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-Donny Brook Drive-00003 to the New Jersey Department of Transportation on behalf of the Borough of Allendale.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Allendale and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution 15-246

BE IT RESOLVED by the Mayor and Council of the municipality of ALLENDALE that application is made to the Commissioner of Transportation for aid under the New Jersey Trust Fund Authority Act for:

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
August 13, 2015

2016 Municipal Aid project-MA-2016 Donny Brook Drive-00003

WHEREAS, the Council has determined that such application(s) should be prepared by Capital Alternatives Corporation, the grants specialists engaged by the municipality for assistance in such matters.

RESOLVED, that Capital Alternatives Corporation is authorized to prepare, assemble, and submit the necessary documentation on behalf of the municipality of ALLENDALE for the stated project(s).

Resolution 15-247

WHEREAS, the Borough of Allendale ("Allendale") owns and utilizes two (2) hydraulic elevators for Allendale's facilities located at 500 West Crescent Avenue and 290 Franklin Turnpike; and

WHEREAS, such elevators require periodic prevention maintenance by a qualified servicer; and

WHEREAS, components of such elevators will need to be examined, adjusted, and lubricated, as required, on a quarterly basis; and

WHEREAS, proposals were received from Slade Elevator for the aforementioned elevator maintenance services; and

WHEREAS, Allendale wishes to memorialize its approval of elevator maintenance contracts dated July 31, 2015 with Slade Elevator, the terms of which are incorporated by reference herein, by adoption of this Resolution; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that Allendale Borough Clerk, Director of Operations and Borough Attorney are authorized to take all appropriate actions so as to implement this Resolution.

Resolution 15-248

Grantee Authorizing Resolution

BE IT RESOLVED, that the Mayor and Council of the Borough of Allendale, wish to enter into a Bergen County Trust Fund Project Contract ("Contract") with the County of Bergen for the purpose of using a \$39,000 matching grant award from the 2014 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the municipal park project entitled "Tennis Court

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
August 13, 2015

Rehabilitation” located in Crestwood Park at 300 West Crescent Avenue, Block 201, Lot 9 on the tax maps of the Borough of Allendale;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Mayor Elizabeth White to be a signatory on the aforesaid contract; and,

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about July 15, 2017; and,

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund Payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund’s requirements; and,

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified on the aforesaid Contract on accordance with the Trust Fund’s requirements.

Resolution 15-249

Resolution Appointing Legal Counsel

WHEREAS, there exists a need on the part of the Borough of Allendale (“Allendale”) to appoint legal counsel to represent Allendale in the matter entitled D’Antonio v. Retained Realty, Docket No. BER-L-4562-15; and

WHEREAS, Allendale has determined that Raymond R. Wiss is qualified and experienced to be appointed to and to hold such position; and

WHEREAS, Allendale, by adoption of this Resolution wishes to appoint Raymond R. Wiss, the Borough Attorney to act as counsel for and defend Allendale in the above captioned matter; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Allendale that Raymond R. Wiss be and hereby is appointed as counsel to represent and defend Allendale in the above referenced litigation; and

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

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
August 13, 2015

Unfinished Business:

There was no unfinished business

New Business:

There was no new business

Council Committee Reports and Comments

Councilwoman McSwiggan – Water, Sewer and Public Utilities

Councilwoman McSwiggan advised that the Water, Sewer and Public Utilities will be meeting next Wednesday. She noted that there are ongoing violations for watering on Mondays. She urged everyone to adhere to the restrictions that are in place.

Councilman Bernstein – Administration, Finance and Human Resources

Councilman Bernstein provided Councilwoman Homan's report in her absence. Public Safety will be meeting tomorrow morning at 7:30 a.m. They are monitoring the various detours to ensure safety is maintained.

Administration, Finance, and Human Resources Committee will be meeting next week. Councilman Bernstein commented that the committee is working on several issues and great progress is being made. He noted that some of the items are being addressed in tonight's Executive Session.

Councilman Strauch - Land Use and Construction Code

Councilman Strauch advised that Land Use met last week and it was a productive meeting. He proposed that the September meeting be scheduled for September 14th at 8:00 a.m. A calendar request will be sent out to the members of this committee.

The meeting for the Construction Code Committee has been rescheduled for August 19th at 8 a.m. to discuss zoning issues.

Councilwoman Wilczynski – Facilities, Parks and Recreation

Councilwoman Wilczynski reported that the committee is working on the 2014 Bergen County Open Space grant for the refurbishing of two of the tennis courts with sport court. They will be pursuing a 2015 grant to refurbish the remaining tennis courts with sport court flooring as well as multisport as they will be adding basketball and volleyball. They are also working on ADA grants to include the Red Barn bathrooms and the purchase of an ADA beach wheelchair. The 2012 CDBG grant for the Library doors was finally awarded and work should begin in the next few days. The work should be complete in 4 to 6 weeks and when complete, both the Library and Borough Hall doors will be ADA-compliant.

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
August 13, 2015

The first biathlon is being held at Crestwood Lake. The Police Department has been informed and Tom Viscardi is organizing this event. The fields are in the process of being refurbished using the clay machine.

Councilman Sasso - Public Works

Councilman Sasso advised that Public Works meets at the end of the month. They are currently working on repairing potholes. He noted that a nice email was received complimenting the work that was done on Franklin Turnpike. The DPW is getting ready for the September 11th ceremony and working hard to clean up the DPW facility which Councilman Sasso commented will help to increase productivity. The department is also getting ready for snow by ensuring that there is enough salt and plan to be battle ready by Halloween. In terms of Engineering, Councilman Sasso noted that a record number of streets are being paved. Milling is to begin tomorrow and paving should commence two to three days after.

Mayor White – Mayor’s Report

Mayor White reported that the W. Crescent Avenue Bridge project is coming along very nicely and is currently on schedule. The light at Franklin and Orchard will become functional with the green arrow at 10 a.m. tomorrow. She thanked the County for listening to the residents and being proactive. She also thanked the Police Department for continuing to assist the residents on Park Avenue with the detour. As the speed bumps that were installed on Park Avenue were not successful, discussions will continue tomorrow morning on how to better address this issue.

Staff Reports:

Ray Wiss, Municipal Attorney, advised that the changes to the ordinance pertaining to background checks were finally able to be synthesized and he expressed his opinion that there is now a good balance within the ordinance. He stated that the COAH motion is returnable a week from tomorrow. He is also working on a series of Land use issues including problem properties which are being addressed.

Anne Dodd, Municipal Clerk, commented that as she is still new, she is still in the process of observing and learning the roles of the staff within her office. She remarked that she is enjoying her time in the Borough.

George Scherb, Police Chief, reported that progress is being made within the Police Department.

Alissa Mayer, Chief Financial Officer, remarked that she is pleased to see that the sidewalk was completed at Borough Hall.

Public Comment on any issue

There were no comments from the public

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
August 13, 2015

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilman Strauch, second by Councilwoman McSwiggan, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:29 p.m.

Respectfully submitted



Anne Dodd, RMC
Municipal Clerk