

August 22, 2013

A Regular meeting of the Borough Council was held in the Municipal Building on August 22, 2013. The meeting was called to order at 8:10 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, Ms. LaMonica, Mrs. McSwiggan, Mr. Strauch, Mrs. White, Mrs. Wilczynski and Mayor Barra. Also present were Mrs. McCarthy and Mr. Bole.

Approval of Minutes

Mr. Strauch moved, seconded by Mrs. White to approve the Work, Regular and Executive Session minutes of August 8, 2013. On roll call, Mr. Strauch, Mrs. White and Ms. LaMonica voted in favor. Mr. Bernstein, Mrs. McSwiggan and Mrs. Wilczynski abstained.

Public Hearings on Advertised Ordinances

Ordinance 13-16 Salary Ordinance

Mr. Barra opened the meeting to the public for comments on Ordinance 13-16.

There were none.

Resolution 13-343 – Introduced by Mrs. White, seconded by Ms. LaMonica

Be It Resolved that an Ordinance entitled 13-16 entitled, “An Ordinance to Amend Chapter 67 of the Code Entitled, ‘Wages and Compensation” 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.

Public Comments

Mayor Barra opened the meeting to the public for comments on agenda items.

There were none.

Consent Agenda

Mr. Bernstein moved, seconded by Mrs. White to remove Resolution 13-359, “Approval of Sunesys Application” from the Consent agenda to be carried to the September 26th agenda.

On roll call, all Council members voted in favor.

Consent Agenda as Amended

Resolution 13-344 – 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 August 22, 2013.

On roll call, all Council members voted in favor.

Resolution 13-345 – Introduced by Ms. LaMonica, seconded by Mrs. White

Whereas the Mayor and Council of the Borough of ALLENDALE has made application to the Commissioner of Transportation for aid under the New Jersey Trust Fund Authority Act for:

2014 Municipal Aid project-W. Allendale Ave, Sec 5, Erie Plaza, Sec 2
Local Aid Infrastructure Fund project-Arlton Rd to Franklin Turnpike
Alternate LAIF project-Allendale Park & Ride resurfacing

Now, Therefore, Be It Resolved that 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.

Be It Further 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).

On roll call, all other Council members voted in favor.

Resolution 13-346 – Introduced by Ms. LaMonica, seconded by Mrs. White

Whereas, the Borough of Allendale has the need for a Part-Time Administrative Assistant and Recycling Coordinator in the Department of Public Works.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that retroactive to August 1, 2013 Mary Rottingen be appointed at Part-Time Administrative Assistant and Recycling Coordinator at a salary of \$17.50/hour.

On roll call, all Council members voted in favor.

Resolution 13-347 – Introduced by Ms. LaMonica , seconded by Mrs. White

Whereas, the Borough of Allendale has the need for a Part-Time Technical Assistant to the Director of Operations and Municipal Engineer;

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that effective August 26, 2013 Melissa Daly be appointed at Part-Time Technical Assistant to the Director of Operations and Municipal engineer at a salary of \$22.00/hour.

On roll call, all Council members voted in favor.

Resolution 13-348 – Introduced by Ms. LaMonica, seconded by Mrs. White

Whereas, certain issues arose between Jennifer Sidoti (“Sidoti”) and the Borough of Allendale (“Allendale”) in connection with the compensation payable to Sidoti in connection with the termination of her employment with Allendale; and

Whereas, Allendale and Sidoti have amicably resolved the matters in dispute and wish to memorialize the same by execution of a General Release (the “Release”); and

Whereas, pursuant to said Release, the amount of Twelve Thousand Three Hundred Ninety Dollars (\$12,390.00) is to be paid to Sidoti by Allendale (the “Settlement”), and

Whereas, the Settlement is to be paid within thirty (30) days of the execution of the Release; and

Whereas, the Settlement represents Sidoti’s back pay for the twelve week period of August 20, 2012 through November 9, 2012; and

Whereas, Allendale will deduct from the Settlement the employee share and will pay the employer share of Social Security, Medicare, unemployment/disability and PERS pension contributions on said sum.

Whereas, pursuant to the Release, Sidoti will pay any and all outstanding medical bills, or other claims that may constitute a lien on the settlement proceeds, including, but not limited to counsel fees, workers’ compensation liens, liens by any healthcare provider, etc.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale that the settlement payment from the Borough of Allendale to Jennifer Sidoti in the amount of \$12,390, less applicable fees as cited above be and is hereby **APPROVED**; and

Be It Further Resolved that the Mayor, the Administrative Officer and the Borough Labor Attorney are authorized to take all appropriate actions so as to implement this Resolution and execute all documents pertinent thereto.

On roll call, all Council members voted in favor.

Resolution 13-349 – 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 2013 Taxes:

Block/ Lot	Name	Property Location	Amount
2004/20.07	Tong, Chun & Juan Han	33 Rozmus Ct Allendale, NJ 07401	\$396.44

On roll call, all Council members voted in favor.

Resolution 13-350 – Introduced by Ms. LaMonica, seconded by Mrs. White

Whereas, N.J.S.A. 59-4-6 provides in pertinent part that neither the public entity nor a public employee is liable for an injury caused by the plan or design of public property or any improvement thereto where the plan or design was approved in advance of construction by the Borough of Allendale or a public employee exercising discretionary authority on its behalf or where such plan or design was prepared in conformity with standards previously approved by the Borough of Allendale through it’s Municipal Engineer; and

Whereas, a certain improvement to public property has become necessary;

Whereas, the Borough of Allendale wishes to memorialize its approval of said plan and design.

Now, Therefore, Be It Resolved by the Borough of Allendale, County of Bergen, State of New Jersey pursuant to the authority of N.J.S.A. 59:4-6 as follows:

1. Plans and specifications entitled “Plan of Pipe Connection to 7 Schuyler Road, Borough of Allendale, NJ, County of Bergen” dated August 5, 2013 and prepared by Kent Rigg, P.E.L.S.P.P. are hereby approved;
2. Upon the completion of the improvements described above, the Municipal Engineer shall inspect said improvements and certify to the Borough, that said improvement has been constructed in accordance with the above referenced plan and design;
3. The Municipal Clerk shall archive this Resolution in a manner consistent with the purpose of perpetually documenting governmental immunity in the event of any claim based upon the plan or design of the improvement.

On roll call, all Council members voted in favor.

Resolution 13-351 – 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 the following individual be appointed as a Temporary Employee for a period not to exceed two weeks, retroactive to the date noted below:

Name	Department	Appointment Date	Salary
Sean Toolan	Public Works	August 19, 2013	\$12.25/hour

On roll call, all Council members voted in favor.

Resolution 13-352 – 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 for the week of August 27 through September 2, salaries for seasonal life guards and gate persons will be increased by \$1.00 per hour depending on availability of funds.

On roll call, all Council members voted in favor.

Resolution 13-353 – Introduced by Ms. LaMonica, seconded by Mrs. White

Whereas, resolution 13-41 was adopted by the Governing Body on January 3, 2013, regarding the Appointment of Professional Services; and

Whereas, said resolution needs to be amended;

Now, Therefore, Be It Resolved by the Governing Body, that said resolution is hereby amended as follows: Izenberg Appraisal Associates is appointed as a residential and commercial appraisal firm.

Be It Further Resolved that all other provisions of Resolution 13-41 not amended herein remain in full force and effect.

On roll call, all Council members voted in favor.

Resolution 13-354 – Introduced by Ms. LaMonica, seconded by Mrs. White

Whereas, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

Whereas, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

Whereas, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-334, and

Whereas, the Local Finance Board has promulgated NJAC 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled “Comments and Recommendations” and

Whereas, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments

and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and

Whereas, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to NJAC 5:30-6.5; and,

Whereas, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board,

Whereas, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

Now, Therefore Be It Resolved, that the Mayor and Council of the Borough of Allendale, hereby states that it has complied with NJAC 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

On roll call, all Council members voted in favor.

Resolution 13-355 – Introduced by Ms. LaMonica, seconded by Mrs. White

Whereas, Chapter 199 of the Borough Code of Allendale, Property Maintenance, provides that if a property is not being maintained to the standards of the Property Maintenance Code, the Property Maintenance Officer may secure compliance; and

Whereas, in the event that any person or entity refuses or neglects to abate, remove or resolve any violation after notice thereof, the Governing Body, by Resolution, may abate a nuisance as defined therein, correct a defect or put the premises in proper condition so as to comply with the requirements of the Code at the cost of the owner or lessor and may expend municipal funds for such purpose and charge the same against the premises; and

Whereas, the Property Maintenance Officer has deemed that certain work was required to be performed since the person or entity, after proper notice thereof, neglected to abate, remove or resolve the violation; and

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale that the following work performed at 200 West Crescent Avenue, Allendale, New Jersey and expenditures incurred are authorized, ratified and confirmed:

<u>Amount</u>	<u>Date</u>	<u>Work Description</u>
\$2,000	4/23/2013	As per attached invoice
\$1,558.78	9/17/2012	As per attached invoice
\$58.85	2/13/2013	As per attached invoice
\$44.00	6/27/2013	As per attached invoice

Be It Further Resolved that the total expenditure of \$3,661.63 shall be certified by the Chief Financial Officer and filed with the Tax Collector and shall be charged to and become a lien against the premises, collectible as provided by law; and

Be It Further Resolved that a true copy of this Resolution shall be sent by certified mail, return receipt requested to the owner of said premises.

On roll call, all Council members voted in favor.

Resolution 13-356 – Introduced by Ms. LaMonica, seconded by Mrs. White

Whereas, Chapter 199 of the Borough Code of Allendale, Property Maintenance, provides that if a property is not being maintained to the standards of the Property Maintenance Code, the Property Maintenance Officer may secure compliance; and

Whereas, in the event that any person or entity refuses or neglects to abate, remove or resolve any violation after notice thereof, the Governing Body, by Resolution, may abate a nuisance as defined therein, correct a defect or put the premises in proper condition so as to comply with the requirements of the Code at the cost of the owner or lessor and may expend municipal funds for such purpose and charge the same against the premises; and

Whereas, the Property Maintenance Officer has deemed that certain work was required to be performed since the person or entity, after proper notice thereof, neglected to abate, remove or resolve the violation; and

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale that the following work performed at 135 West Crescent Avenue, Allendale, New Jersey and expenditures incurred are authorized, ratified and confirmed:

<u>Amount</u>	<u>Date</u>	<u>Work Description</u>
\$56.00	10/02/2012	As per attached invoice

\$552.64	10/02/2012	As per attached invoice
\$56.00	10/03/2012	As per attached invoice
\$448.80	10/03/2012	As per attached invoice

Be It Further Resolved that the total expenditure of \$1,113.00 shall be certified by the Chief Financial Officer and filed with the Tax Collector and shall be charged to and become a lien against the premises, collectible as provided by law; and

Be It Further Resolved that a true copy of this Resolution shall be sent by certified mail, return receipt requested to the owner of said premises.

On roll call, all Council members voted in favor.

Resolution 13-357 – Introduced by Ms. LaMonica, seconded by Mrs. White

Whereas, Chapter 199 of the Borough Code of Allendale, Property Maintenance, provides that if a property is not being maintained to the standards of the Property Maintenance Code, the Property Maintenance Officer may secure compliance; and

Whereas, in the event that any person or entity refuses or neglects to abate, remove or resolve any violation after notice thereof, the Governing Body, by Resolution, may abate a nuisance as defined therein, correct a defect or put the premises in proper condition so as to comply with the requirements of the Code at the cost of the owner or lessor and may expend municipal funds for such purpose and charge the same against the premises; and

Whereas, the Property Maintenance Officer has deemed that certain work was required to be performed since the person or entity, after proper notice thereof, neglected to abate, remove or resolve the violation; and

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale that the following work performed at 84 East Crescent Avenue, Allendale, New Jersey and expenditures incurred are authorized, ratified and confirmed:

<u>Amount</u>	<u>Date</u>	<u>Work Description</u>
\$1,500	4/23/2013	As per attached invoice
\$123.20	10/25/2012	As per attached invoice

Be It Further Resolved that the total expenditure of \$1,623.20 shall be certified by the Chief Financial Officer and filed with the Tax Collector and shall be charged to and become a lien against the premises, collectible as provided by law; and

Be It Further Resolved that a true copy of this Resolution shall be sent by certified mail, return receipt requested to the owner of said premises.

On roll call, all Council members voted in favor.

Resolution 13-358 – Introduced by Ms. LaMonica, seconded by Mrs. White

Whereas, Chapter 199 of the Borough Code of Allendale, Property Maintenance, provides that if a property is not being maintained to the standards of the Property Maintenance Code, the Property Maintenance Officer may secure compliance; and

Whereas, in the event that any person or entity refuses or neglects to abate, remove or resolve any violation after notice thereof, the Governing Body, by Resolution, may abate a nuisance as defined therein, correct a defect or put the premises in proper condition so as to comply with the requirements of the Code at the cost of the owner or lessor and may expend municipal funds for such purpose and charge the same against the premises; and

Whereas, the Property Maintenance Officer has deemed that certain work was required to be performed since the person or entity, after proper notice thereof, neglected to abate, remove or resolve the violation; and

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale that the following work performed at 65 New Street, Allendale, New Jersey and expenditures incurred are authorized, ratified and confirmed:

<u>Amount</u>	<u>Date</u>	<u>Work Description</u>
\$450	4/23/2013	As per attached invoice

Be It Further Resolved that the total expenditure of \$450 shall be certified by the Chief Financial Officer and filed with the Tax Collector and shall be charged to and become a lien against the premises, collectible as provided by law; and

Be It Further Resolved that a true copy of this Resolution shall be sent by certified mail, return receipt requested to the owner of said premises.

On roll call, all Council members voted in favor.

Resolution 13-360 – Introduced by Ms. LaMonica, seconded by Mrs. White

Whereas, the Borough of Allendale requires professional planning services in connection with land use and zoning matters;

Whereas, Burgis Associates, Inc., is duly qualified and available to perform such services;

Whereas, said Burgis Associates Inc., has submitted a written proposal dated August 1, 2012 and a scope of work analysis dated August 2, 2012 which are on file with the office of the Municipal Clerk;

Whereas, the Chief Financial Officer has attached hereto a Certification of Availability of Funds pursuant to the provisions of NJAC 5:30-5.4 et. seq.;

Now, Therefore, Be It Resolved by the Governing Body that a Contract is awarded to Burgis Associates, Inc., for the purposes aforesaid in an amount of \$2,500 and in accordance with their fee proposal dated August 1, 2012;

Be It Further Resolved that the Mayor and Municipal Clerk are authorized to sign the proposal or an appropriate contract with Burgis Associates, Inc., in connection herewith;

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 exempts from competitive bidding professional services rendered by persons authorized by law to practice a recognized profession and whose practice is regulated by law; and

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

On roll call, all Council members voted in favor.

Resolution 13-361 – Introduced by Ms. LaMonica, seconded by Mrs. White

Be It Resolved that Layne Simon is hereby appointed as the Licensed Operator of the Allendale Sewer Department retroactive to August 1, 2013.

On roll call, all Council members voted in favor.

Committee Reports

Facilities, Parks and Recreation

Mrs. Wilczynski stated that she received a final approval from County for a water slide at Crestwood Lake and she hopes it will be ready for next summer. She is also looking into ideas for grant opportunities for next year.

Mrs. White commended Mrs. Wilczynski for the wonderful work that has been done at Crestwood Lake. She noted the improvements to the playground, the clarity of the water and the maintenance of the fields.

Mayor Barra added his thanks to Mrs. Wilczynski for a job well done.

Personnel, Finance and Human Resources

Ms. LaMonica said her Committee met on August 13th and they are scheduled to meet again on September 17th.

Public Works

Mrs. White commented that DPW employees spent a lot of time and effort on improving the Borough Hall grounds. She thanked them for their effort and added that their work was very sincerely appreciated.

Land Use and Construction Code

Mr. Strauch said the next meeting of the Land Use and Construction Code Committee will be Thursday September 12th, at 8:00 a.m.

Mr. Strauch also mentioned that on Friday September 27th the Fyke Nature Association is going to have their next meeting at Allendale Borough Hall instead of the Wyckoff Library. Stiles Thomas will be unveiling his most recent wood carving on display at that time. Mr. Strauch commented that he was not aware that Mr. Thomas is an accomplished woodcarver. That same evening Jim Wright will be speaking about his newest book. The meeting will be at 8:00 p.m. at the Borough Hall.

Public Safety

Mr. Bernstein reported that there was a Public Safety meeting on August 20th.

Mr. Bernstein noted that new officers Jamie Hilgardner and Keven Azevedo will begin working independently in Allendale beginning on August 24th. Mr. Bernstein welcomed them both and added he is very confident that they will be excellent officers.

Water and Sewer

Yesterday Allendale met with a number of representatives from United Water representatives to review the recent transition of Allendale's Water Department to United Water. Mrs. McSwiggan said it was a very fruitful meeting. In the future she would like to focus on enhancing communications with the residents to include providing follow-up information and emergency numbers. She noted that a lot was accomplished and she was very happy with the outcome.

Mrs. McSwiggan said to date there have been 1240 sump pump inspections with 39 violations noted and 19 of them abated. She noted there is still work to do but Mr. Wittekind has been making great progress.

Mrs. White commented that this program has been outstanding.

Municipal Attorney

Mr. Bole did not have a report.

Municipal Clerk

Mrs. McCarthy stated that she is working on a project to make sure that I-9 forms are in everybody's personnel file in the Borough. Contact letters have been sent to all the departments except the DPW. Copies of the letters to the employees will be put in everyone's personnel files.

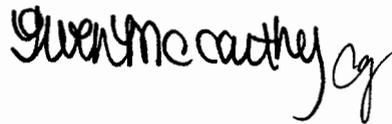
Public Comments

Mr. Barra opened the meeting to the public for comments on any topic.

There were none.

On a motion by Mr. Strauch, seconded by Mrs. White, the Council voted unanimously to adjourn at 8:20 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Gwen McCarthy" with a stylized flourish at the end.

Gwen McCarthy
Municipal Clerk