

Regular Session Meeting  
Mayor and Council  
December 11, 2014

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 December 11, 2014. The meeting was called to order at 8:34 p.m. by Mayor Barra who announced that the requirements of the Open Public Meeting Act were met by the required posting and notices of publications. The Mayor led those present in a salute to the flag.

The following individuals answered roll call: Councilmembers Bernstein, McSwiggan, Sasso, Strauch, White, Wilczynski and Mayor Barra. Mr. Valenzuela and Mr. Bole, were also present.

*Approval of Minutes:*

Councilwoman White made a motion to approve the Work and Regular Session Minutes of Special Meeting Executive Session of September 30, 2014 as submitted, Seconded by Councilwoman Wilczynski.

On Roll Call: Aye – Bernstein, White, Wilczynski. Abstain – McSwiggan, Sasso and Strauch.

PUBLIC COMMENT on the Ordinance :  
There were no public comments.

PUBLIC HEARINGS FOR ADVERTISED ORDINANCES

**Resolution 14-340** Ordinance 14-24

*Adoption to Repeal Article III of Chapter 233 entitled "Streets and Sidewalks" (Street Openings)*

**BE IT ORDAINED** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, as follows:

**Section I.** That Article III, Sections 233-7 to 233-21 are hereby repealed.

**Section II: Severability**

If any portion of this ordinance is adjudged unconstitutional or invalid by the Court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

**Section III: Effective Date**

This ordinance shall take effect upon passage and publication as required by law.

*Public Comments:* There were no comments from the public.

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Councilman Strauch made a motion to approve Ordinance 14- 24; seconded by Councilwoman McSwiggan.

On Roll Call: Aye – Bernstein, McSwiggan, Sasso, Strauch, White, Wilczynski.

**Resolution 14-341** Ordinance 14-25  
*Adoption of Amendment to Chapter 233 entitled "Streets and Sidewalks" (Street Openings)*

**BE IT ORDAINED** by the Mayor and Council of the Borough of Allendale that Article III. Street Openings and Excavations, is amended and reestablished to read as follows:

**§ 233-7. Purpose.**

The purpose of this article is to establish regulations and fees for the opening of municipal streets within the Borough of Allendale.

**§ 233-8. Definitions.**

The following terms shall, for the purposes of this article, have the meanings here indicated.

**EXTENSIVE OPENING**

An opening, tearing up or excavating, for any purpose, of 50 square feet or more of a Borough roadway, or an opening which disturbs 20% or more of the curb-to-curb width of the pavement area.

**OWNER**

Any person, corporation, public utility or other entity on whose behalf a street opening is performed by a permitted.

**PERMITTEE**

Any person, firm, or corporation granted a permit hereunder.

**PUBLIC UTILITY**

A private business organization, subject to governmental regulation, that provides an essential commodity or service, such as water, electricity, transportation or communication to the public. Such utilities include, but are not limited to, Public Service Electric and Gas Company, Rockland Electric, United Water Company, Cable Television Company or any other entity having either the power of eminent domain or subject to regulations by the Board of Public Utilities of the State of New Jersey.

**STREET**

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Any street, road or other public way dedicated to and accepted by the Borough of Allendale and shall include all of the area thereof lying within the bounds of the dedicated right-of-way.

**§ 233-9. Permit; restrictions on excavating recently sealed roads.**

A. Permit required.

1. No person or corporation, public or private nor any utility company public or private, shall for any purpose open, tear up, excavate, bore, tunnel or drive under or in any way impair the surface or subsurface within the paved or unpaved limits of any street in the Borough of Allendale without first obtaining a road opening permit from the Director of Operations.

2. Only such persons, firms or corporations to whom or to which permits have been granted shall be permitted to perform such work and then only in the manner herein required and only as specifically allowed in the permit. Assignment of rights under any permit issued hereunder is prohibited; the permittee is always responsible for performance under this article.

3. Permits under this chapter shall expire as outlined in Section 233-11.A.2 of this Chapter following issuance of the permit. If work has not been completed within the prescribed period, the applicant will be required to obtain a new permit for the work and pay such fees as may be required for a permit under this chapter.

B. Nothing contained in this article shall be construed as requiring the issuance of a permit for the performance of any work done by the Borough of Allendale or under a contract with the Borough for the construction of utilities/infrastructure or street improvements.

C. No permit applicant shall begin work until he/she receives the authorization number from the Underground Location Service and the appropriate utility. The applicant must comply with the requirements of N.J.S.A. 48:2-73 the "Underground Facility Protection Act".

D. Non-opening of road. No street, road or paved area constructed, reconstructed or repaved within three years of the time that the road is sealed can be excavated, built or patched except in the case of emergency, which includes but is not limited to gas leaks

E. No Borough street shall be excavated between November 1 and March 30 without prior approval of the Public Works Committee of the Mayor and Council.

**§ 233-10. Application requirements.**

A. Form.

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1. Application for a permit shall be made in writing on forms to be prescribed by the Borough of Allendale and issued by the Director of Operations and shall be filed at least two weeks prior to the commencement of any work. The application shall specify the name and address of the applicant; the specific location of the proposed excavation and the width, length and depth thereof; the type of road or other surface; and the individual(s), firm or corporation for whose benefit the excavation is to be made and shall be accompanied by a nonrefundable fee for the issuance of the permit as hereinafter provided, together with the charges as hereinafter set forth.
2. Additional information.
  - a) Applications for extensive openings shall require, in addition to the above, information regarding:
    1. All Improvements;
    2. Typical details and sections of construction procedure;
    3. Plans, profiles and other details necessary to accurately depict the work.
  - b) Standard details used by Public Utilities and accepted and approved by the Director of Operations or the Borough Engineer may be used to satisfy the requirements of Section 233-14.
3. No work may commence by the permittee until the date set forth in the issued permit.
- B. Emergency road opening.
  1. In the event that an emergency condition exists requiring immediate action by any person, firm or corporation required to obtain a permit pursuant to this article, the person may immediately cause the roadway to be entered and emergency measures taken without first obtaining a permit, provided that:
    - a. A true emergency exists and the person or persons doing the work notify the Allendale Police Department prior to start of work; the Police Department shall log the emergency.
    - b. A permit is applied for within 72 hours of the road opening.
    - c. All work is to be performed in accordance with the provisions of §§233-11, 233-12, 233-13 and 233-14.

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- d. The Director of Operations or the Borough Engineer shall be notified within 24 hours of a road opening. If a road opening commences on a Saturday or Sunday as a result of emergency road work, the Police Department of the Borough of Allendale shall be notified prior to start of work, and the Director of Operations or the Borough Engineer shall be notified on the morning of the first business day thereafter.
- 2. The Mayor and Council reserve the right to issue a written stop-work order upon the advice of the Director of Operations or Borough Engineer.
- C. Review of the application. Prior to the issuance of a permit, copies of the application therefor shall be referred to the Director of Operations or the Borough Engineer who shall note any objections to the issuance of a permit or any conditions which shall be satisfied prior to or be imposed as conditions upon the issuance of the permit, as appropriate.
- D. Applicant. The applicant must be a licensed contractor or agent of a public utility, whether corporate, individual, or partnership, who will be actually engaged in the performance of the work to ensure the safety of the public and that the work is done in accordance with Borough specifications. The application shall be made for and on the behalf of the owner for whom such work is being done and shall be countersigned by such owner
- E. Agreement. The owner shall agree, as a condition of the issuance of a permit, that any facilities, pipes or poles or other object(s) to be installed within the Borough right-of-way pursuant to the permit shall be promptly relocated at the owner's expense, except where otherwise provided by law, as required by the Borough of Allendale, to accommodate the installation of Borough facilities. Such agreement shall be in writing and contained on the face of the application form and permit.
- F. Issuance. Street opening permits shall be issued by the Director of Operations once reviewed and approved as provided herein; provided, however, that no permit shall be issued until an application fee and an engineering fee, as described in 233-16 of this article, have been paid to the Borough Chief Financial Officer.

**§ 233-11. Work Requirements.**

- A. Generally. The New Jersey State Department of Transportation 2007 Standard Specifications for Road and Bridge Construction, with all amendments and supplements, shall govern all of the work performed under Borough of Allendale road opening permits, except as supplemented below.

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1. No Borough road shall be closed to traffic without prior written consent of the Police Department. In the event that a road is closed, uniformed police may be required to act as traffic directors, and the proper traffic control devices shall be erected and maintained in accordance with standards described in the Manual on Uniform Traffic Control Devices, 2009 Edition. All costs of providing uniformed police shall be the responsibility of the permittee or the owners. The Borough will bill the permittee for such services at the prevailing rate specified annually by the Borough. In the event that a detour is requested by the permittee, application shall be made to the Chief of Police, who shall determine the necessity for such detour and the route to be followed. In emergency situations, notification by phone to the Police Department shall be done prior to the start of work.
  2. Any work under an issued permit must be commenced within 2 months from the date of issue and completed within 30 days from commencement, or said permit shall be deemed void, and reapplication shall be required. The Director of Operations or the Borough Engineer may grant up to a single forty-five day completion extension past the original permit expiration date.
  3. Work commenced under a permit shall be continued expediently during normal working hours until completed.
  4. The applicant shall notify the Director of Operations or the Borough Engineer 24 hours in advance of the actual commencement of any work on an opening.
- B. Guard. The applicant shall keep the work site properly guarded both day and night and shall have lights, barriers and adequate safety devices as described in the Manual of Uniform Traffic Control Devices placed and maintained throughout the performance of the work and shall interfere as little as possible with the traffic along the street or road within the Borough, and only that part of any such street or road as is set forth in the permit shall be opened.
- C. Cover and protection. All utilities shall be constructed with adequate depth of cover protection for the utilities in the event that further Borough road construction, repair or modification necessitates excavation, undercutting or installation of facilities in the area where the utility is located. This location will in no way relieve the utility owner of the responsibility of relocating said utility at said utility owner's expense in case of conflict with future construction, reconstruction or modification of related facilities, except as otherwise specified herein.
- D. Protection of existing structures. It shall be the responsibility of the permittee to give other notice of the proposed street opening to any person, firm or corporation whose pipe,

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conduits or other structures are laid in the portion of the street to be opened. Said notice shall be given to all utilities by calling the Garden State Underground Plant Location Service 72 hours before commencement of said opening, or as provided by law, and the permittee shall restore the same, at his own expense, to the condition it was in prior to commencement of work.

- E. All excavations shall be completely backfilled at the end of each working day unless it would constitute a hardship to the permittee or where the size of the excavation makes it impossible to backfill at the end of each working day, in which event a waiver may be granted by the Director of Operations or Borough Engineer. In the event that a waiver is granted, the contractor or owner shall cover the excavation with heavy one-inch thick steel plates secured to existing pavement to prevent rattles and movement and erect appropriate barriers and lights around the entire excavation and arrange to provide appropriate security protection, if such security is necessary, at his/her own cost, and such other safeguards as may be needed to protect the public from an open excavation. If steel plates are placed for over a weekend or for an extended period, all edges are to be macadam-sealed and sloped. In no event shall an excavation be left open for more than 72 hours unless an emergency exists and permission has been secured from the Chief of Police, Director of Operations and Borough Engineer or their designated representatives.

**§ 233-12. Repair and cleaning of streets and property.**

- A. The permittee shall be liable for any damage to the roadway leading to or adjacent to the work site.
- B. The permittee shall, on a continuing basis, maintain all streets and other property affected by the construction in a clean condition free from all rubbish, excess earth, rock and other debris. Upon completion of all work under the permit, the permittee shall again clean the affected property and remove all debris and unused material. In the event that the permittee fails to act as provided herein, the Borough, upon 24 hours' notice to the permittee, may clean and remove all rubbish, excess earth, rock, debris and unused material and charge the permittee the cost thereof. If the permittee fails to reimburse the Borough for the costs incurred, said costs shall be deducted from the permittee's deposit held by the Chief Financial Officer.

**§ 233-13. Inspections.**

- A. The Director of Operations or Borough Engineer shall periodically inspect all road openings and the repair and resurfacing thereof for the purpose of determining compliance with the conditions imposed on the issuance of the permit and the

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specifications. The Borough Mayor and Council may, upon the recommendation of either of them:

1. Order a temporary stop to any road paving.
2. Order that the applicant perform or correct work in accordance with the direction of the Borough.
3. Order a stop to any work and revoke the permit, in which event the Borough of Allendale shall complete the work, or cause it to be completed, and either declare the applicant's deposit forfeited or notify the applicant's surety of an intent to file claim on the bond, or both to the extent necessary to complete the work.
4. Authorize the correction of any work after notification to the permittee and after the neglect or the refusal of the permittee to make such corrections within 24 hours and, after the completion of same, either declare the permittee's deposit forfeited or notify the permittee's surety of an intent to file a claim on the bond, or both to the extent necessary to make the necessary corrections.
5. Take any other action deemed reasonable under the circumstances to protect the Borough's interests.

**§ 233-14. Specifications.**

- A. The existing pavement must be cut with a compressor, wet saw or an approved mechanical cutting device in a straight line and to the full depth of pavement before excavation. All storm drains and catch basins will be protected at all times. Any damage will be repaired by the applicant at the applicant's expense.
- B. All fill removed from the trench is to be discarded by the applicant. The trench must be of suitable width to obtain proper mechanical compaction. All backfill is to be done with quarry process stone Type I-5, dense graded aggregate, or other material as approved by the Director of Operations or Borough for the full depth of the trench. The first lift of fill, 12 inches above pipe, shall be compacted using a Jumping Jack tamper. Successive lifts shall be compacted by mechanical means such as tamping, vibrating or rolling. A vibra plate tamper is not acceptable.
- C. Upon completion of the proper backfill compaction, a six-inch layer of bituminous stabilized base Mix I-2 shall be utilized in two lifts of three inches each compacted in all trench areas. The top surface shall be flush with the adjacent pavement and be uniformly contoured to conform to the existing surrounding surface.

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- D. For installation of plastic piping, the applicant shall place a sand cushion around the plastic piping for a minimum distance of 12 inches from the pipe.
- E. The applicant must install and maintain temporary line striping and pavement markings.
- F. The applicant further agrees to keep the trench filled to the level of surrounding pavement until settlement has ceased. The Borough shall be held harmless in any and all accidents arising out of trench defects.
- G. After a reasonable settlement period not to exceed 9 months, final restoration will require infrared application or a two-inch compacted surface course of bituminous surface course Mix I-5 to be placed over the entire area of stabilized base as determined by the Director of Operations or Borough Engineer.
  - 1. Infrared resurfacing shall be permitted in accordance with the specifications set forth in Subsection H below. When using infrared resurfacing application, all stabilized base material in the road opening, plus a minimum of six inches surrounding the edge of the opening, require heating and raking to a depth of one inch. All raked material is to be discarded and replaced by fresh, hot Fine Aggregate Bituminous Course top mix.
  - 2. Prior to the application of the surface course, the entire area of stabilized base, including 12 inches surrounding the edge of the opening, shall be milled by a milling machine (self-propelled, power-operated planing, grinding or cutting machine) to a minimum depth of two inches from the outside edge of the trench to the curbline in a uniform width a minimum of 10 feet wide.
  - 3. The resulting milled surface shall then be swept, and tack coat material applied, before the two-inch compacted surface course is laid. This course shall be thoroughly compacted flush with the surrounding surface by vibratory rolling and be uniformly contoured to the adjacent pavement.
  - 4. All manhole frames and covers installed within the pavement area shall be set to finished grade. Any scarring or road damage to any other part of a roadway caused by this permit shall be repaired as per the above conditions.
- H. Specifications for infrared restoration.
  - 1. The purpose of this specification is to establish a consistent and standard process for infrared paving applications and to insure the quality of infrared restoration for road openings.

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2. The contractor shall provide all materials, equipment and labor required to perform a seamless, to-grade, permanent infrared restoration.
3. The infrared contractor shall provide Fine Aggregate Base Course at plant temperature of 275° F. to 300° F. The infrared contractor must guarantee that the asphalt will be transported and stored in a thermostatically controlled storage unit. Asphalt should not be kept in a storage unit at plant temperature for a period longer than 24 hours.
4. Required equipment:
  - a) The infrared heater must have the ability to soften asphalt to a depth of 1 ½ inches to two inches in eight to 10 minutes without burning the surface. The heater must be a minimum size of six feet by eight feet. A truck-mounted infrared heater is the preferred equipment.
  - b) A thermostatically controlled asphalt storage unit which maintains a temperature of 275 degrees F to 300 degrees F.
  - c) A roller-type compactor that will generate at least one ton of applied force per square inch.
  - d) A steel asphalt rake that is strong enough to scarify to a depth of two inches.
  - e) A thirty-six inch asphalt loot.
- I. Final line striping and pavement markings must be restored immediately to original or better condition. The standard for the Borough for line striping and traffic markings is the application of thermoplastic materials.

**§ 233-15. Insurance and security.**

- A. Insurance
  1. The applicant shall present evidence satisfactory to the Borough Attorney and Borough Insurance Agent of insurance sufficient to indemnify and save harmless the Borough, its agents and servants against and from all suits and costs of every kind and from all personal injury or property damage resulting from negligence or from any phase of operations performed under the permit. Said insurance shall provide limits of not less than \$1,000,000 of single limit or, in the case of a public utility, may be in the form of a certificate of self-insurance. Where there is an extensive opening, the Director of

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Operations or the Borough Engineer may request additional insurance if it is deemed necessary under the circumstances.

2. All certificates of insurance shall contain a provision that the same shall remain in full force and effect for a period of one year following the approval by the Borough of the completion of the work under the permit.
- B. Security
1. The Director of Operations shall not issue a permit unless the applicant has deposited as security for faithful performance a certified check made payable to the Borough of Allendale or filed a bond with the surety satisfactory to the Borough Attorney, the amount thereof to be based upon the security deposit fee schedule as contained in 233-16 of this article.
  2. In lieu of the security deposit required above, a public utility applicant may file with the Chief Financial Officer corporate performance bond or surety bond in the amount of \$20,
  3. All bonds shall contain a provision that the same shall remain in full force and effect for a period of one year following the approval by the Director of Operations or Borough Engineer of the completion of the work under the permit.

**§ 233-16. Fees.**

Fees shall be as follows:

- A. Application fee, nonrefundable:
1. Road opening; boring, tunneling or driving under road; curb, gutter, apron sidewalk or driveway: \$200, except as provided herein below for an extensive opening.
  2. For an extensive opening, the fee shall be determined by the Borough Engineer, based on an estimate prepared by the Borough Engineer of the amount required to cover all costs of inspection and/or other professional costs. If, at any time during the course of the work, it appears evident to the Borough Engineer that the fee is or will be insufficient to cover all costs of inspection and/or other professional services, additional fees shall be estimated by the Borough Engineer and paid to the Director of Operations.
- B. Security deposit for guaranteeing restoration of paved area, curb, sidewalk, driveway or grass area:
1. Road opening; boring, tunneling or driving under road; curb, gutter, apron sidewalk or driveway: \$1,000, except as provided hereinbelow for an extensive opening.

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2. For an extensive opening, the security deposit shall be determined by the Borough Engineer, based on an estimate prepared by the applicant and reviewed and approved by the Borough Engineer of the amount required to guarantee proper restoration of all paved areas, curbs, sidewalks, driveways and grass areas.

**§ 233-17. Return of deposit upon completion of work.**

Upon the completion of any such work, the Director of Operations or Borough Engineer shall inspect the work and shall file a report, which report shall contain the date of completion, the cost to the Borough for resurfacing the area so excavated or opened, if the same shall have been necessary, and the balance, if any, due to the applicant. Following approval, the security deposit or bond shall be held by the Borough for a period of one year from the date of approval to guarantee proper restoration of all paved areas, curbs, sidewalks, driveways and grass areas in the event of settlement of the areas disturbed by the excavation. Upon expiration of the one-year maintenance period, the Director of Operations or the Borough Engineer shall inspect the work and shall file a report of inspection. Upon receipt of a report approving the work, the Borough Chief Financial Officer shall return the security deposit or bond to the applicant.

**§ 233-18. Violations and penalties.**

Any person, company, firm or corporation who or which shall violate any of the provisions of this article shall, upon conviction of such violation, be subject for each offense to a fine not exceeding \$1,000 or imprisonment for a term not exceeding 90 days, or both. In case of failure to restore payments or roads or streets as herein above provided, after written notice by the Director of Operations to do so, each day that such pavement, roads or streets remain unrestored shall constitute a separate offense. The Director of Operations and/or Borough Engineer shall enforce this Ordinance.

**§ 233-19. Severability**

If any portion of this ordinance is adjudged unconstitutional or invalid by the Court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

**§ 233-20. Repealer**

All other ordinances of the Borough, or parts thereof, which are in conflict including Sections 233-7 to 233-21 with this ordinance are hereby repealed to the extent of such conflict.

**§ 233-21. Effective Date**

This ordinance shall take effect upon passage and publication as required by law.

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*Public Comments:* There were no comments from the public.

Councilwoman McSwiggan made a motion to approve Ordinance 14-25; seconded by Councilman Strauch.

On Roll Call: Aye – Bernstein, McSwiggan, Sasso, Strauch, White, Wilczynski.

**Resolution 14-342** Ordinance 14-26  
*(Acting Technical Assistant to the Building Department)*  
*Adoption of Amendment to Salary Ordinance*

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE 2014 SALARY ORDINANCE, ORDINANCE 14-01 ENTITLED “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 2014”**

**Whereas**, the 2014 Salary Ordinance was previously adopted; and

**Whereas**, the Salary Ordinance was amended by Ordinance No. 14-20, adopted November 13, 2014; and

**Whereas**, a further amendment to the Salary Ordinance is necessary;

**Now, Therefore, Be It Ordained**, by the Governing Body of the Borough of Allendale that the 2014 Salary Ordinance is amended and supplemented as follows:

<b><u>Title</u></b>	<b>Min</b>	<b>Max</b>
Acting Technical Assistant to the Building Department, P/T Hourly	\$18.00	\$22.00

All other provisions of the 2014 Salary Ordinance not amended herein remain in full force and effect.

**Severability**

If any portion of this ordinance is adjudged unconstitutional or invalid by the Court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

**Repealer**

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All other ordinances of the Borough, or parts thereof, which are in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Effective Date**

This ordinance shall take effect upon passage and publication as required by law.

*Public Comments:* There were no comments from the public.

Councilwoman White made a motion to approve Ordinance 14-26; seconded by Councilman Sasso.

On Roll Call: Aye – Bernstein, McSwiggan, Sasso, Strauch, White, Wilczynski.

*Consent Agenda:*

Councilwoman White made a motion to pull Resolution 14-359 from the Consent Agenda; seconded by Councilwoman McSwiggan.

On Roll Call: Aye – Bernstein, McSwiggan, Sasso, Strauch, White, Wilczynski.

**Resolution 14-359** Appointment of an Hourly Part-Time Clerical Employee at Borough Hall.

**Be It Resolved** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that Deborah Gravina be appointed as an hourly, part-time, employee at Borough Hall, effective December 11, 2014 at a rate of \$12.00 per hour.

Councilwoman McSwiggan moved motion to vote on Resolution 14-359; seconded by Councilwoman Wilczynski.

On Roll Call: Aye – Bernstein, McSwiggan, Sasso, Strauch, Wilczynski. Abstain - White

**Resolution 14-344** 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 December 11, 2014.

**Resolution 14-321** Authorize Mayor to sign Agreement with Rockland County Solid Waste Management Authority for Recyclable Materials.

**RESOLUTION**

**Whereas**, the Borough of Allendale (Borough) requires the services of a Recyclable Materials Recovery Facility to accept recyclable materials collected from its Municipal residents; and

**Whereas**, Rockland County Solid Waste Management Authority (Authority) is a body corporate and politic constituting a public benefit corporation of the State of New York and has the capacity to accept at the Authority's Materials Recovery Facility such recyclable materials collected from the Borough's residents; and

**Whereas**, the Borough and the Authority wish to enter into a short term Agreement in order to afford the parties an opportunity to determine if a long term delivery of such materials would be mutually beneficial to the parties; and

**Whereas**, the parties have reviewed a certain Letter Agreement dated December 3, 2014 a copy of which is on file in the office of the Acting Municipal Clerk (Letter Agreement); and

**Now, Therefore, Be It Resolved**, by the Governing Body for good cause that it does hereby authorize the Letter Agreement between the Borough and Authority which shall commence on December 12, 2014 for a period of ninety calendar days and which may be renewed for an additional ninety day period upon mutual agreement of the parties; and

**Be It Further Resolved**, that the Mayor and Municipal Clerk are authorized to sign the Letter Agreement on behalf of the Borough; and

**Be It Further Resolved**, that this Letter Agreement is being awarded pursuant to N.J.S.A. 40A:11-5(1)(s) and 40A:11-5(2).

**Resolution 14-345** Approval of Raffle License #406 Brownstone Quilter Guild.

**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 #406 as follows:

Brownstone Quilters Guild, Inc.  
November 7, 2015  
On premise draw raffle for merchandise  
4:00 p.m.  
Northern Highlands Regional High School

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The prize(s) are a queen size quilt donated by members valued at \$1,000.00.  
and a table runner quilt donated by members valued at \$75.00.

**Resolution 14-346** Authorize Mayor to sign Interlocal Court Agreement with  
The Borough of Ho-Ho-Kus.

**Now, Therefore, Be It Resolved** that the Mayor and Council of the Borough of Allendale,  
County of Bergen, State of New Jersey, that it hereby authorizes the Mayor and Municipal Clerk  
to sign an Interlocal Court Agreement with the Borough of Ho-Ho-Kus effective January 1, 2015  
through December 31, 2015.

**Resolution 14-347** Appointment of Part-Time Hourly Acting Technical Assistant for the  
Building Department.

**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 individual as a part-  
time hourly employee not to exceed twenty-five hours a week.

Julie Scutaro Building Department Effective December 12, 2014 \$20.00 per hour

**Resolution 14-348** Authorize Tax Collector to issue refund for over payment of 2014 Taxes  
in the amount of \$1,464.65 to Orchard Park Condominium.

**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 2014 Taxes:

Block/ Lot	Name	Property Location	Amount
1710/1.01	Orchard Park Condominium	214 Orchard Park	\$1,464.65
C0214	C/O Preferred Management 25 Charles Street Westwood, NJ 07675		

**Resolution 14-349** Approve Modification of lease agreement with Crown Atlantic Company  
for installation/maintenance of equipment.

**RESOLUTION**

**Whereas**, the Borough of Allendale and Crown Atlantic Company, LLC, (Crown Atlantic) previously executed a Lease Agreement dated August 31, 1995 (the Lease), pursuant to which property was leased from the Borough located at 300 West Crescent Avenue, Allendale, New Jersey and being described as a portion of the property known as Lot 6, Block 1003 and Lots 9 and 10 of Block 201 (the property) for the construction of a monopole and installation/ maintenance of utility wires, poles, cable, conduits and pipes; and

**Whereas** four (4) Amendments to the Lease Agreement have been signed; and

**Whereas**, Crown Atlantic, on behalf of Verizon seeks to add one (1) antennae to each sector, three (3) remote radio heads and one (1) cable to the monopole; and

**Whereas**, Crown Atlantic, on behalf of Verizon, seeks the Borough's consent under the terms and conditions of the Lease;

**Now, Therefore, Be It Resolved**, by the Governing Body that it does hereby consent to the foregoing modification and the Mayor is hereby authorized to execute a consent letter for modification subject, however, to the following conditions:

1. Crown Atlantic or Verizon, shall make application for appropriate building permits and shall pay all fees in connection with those permits;
2. Crown Atlantic or Verizon, shall comply with any and all land use requirements and pay any fees associated therewith;
3. Crown Atlantic or Verizon, shall provide a structural analysis to confirm that the proposed modification does not compromise the structural integrity of the monopole and pay the cost of Municipal Engineer review;
4. Crown Atlantic or Verizon, shall provide for a professional escrow deposit, if required, for review of its application in accordance with law.

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**Resolution 14-350** Authorize Tax Collector to reduce 2014 tax levy due to County/State Board Judgments and Veteran Deductions.

**Be It Resolved**, by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to reduce the 2014 tax levy and issue the following overpayment checks due to a County Board Judgment and State Board Judgment for the Tax Year 2014:

<b>Block/Lot (CBJ)</b>	<b>Name</b>	<b>Property Location</b>	<b>Amount</b>
1706/1	O'Neill, Michael & Erin 80 Brookside Avenue Allendale, NJ 07401	80 Brookside Ave	\$1,158.14
<b>(SBJ)</b>			
1808/15.01	Janata, Lacap & Associates, PC One International Blvd., Suite 400 PMB #14 Mahwah, NJ 07495	44 W Allendale Ave	\$2,383.00

**Be It Further Resolved**, by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to reduce the 2014 tax levy and issue the following overpayment due to a Veteran Deduction as follows:

103/2.01	Tetro, Patrick & Ida 316 Hillside Avenue Allendale, NJ 07401	316 Hillside Ave	\$250.00
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**Resolution 14-351** Approval of declaration of default of contract for ADA improvements at Borough with ETomic General Construction Management, Inc.

**RESOLUTION**

**Whereas**, a Contract was entered into dated July 17, 2014 between the Borough of Allendale (Borough) and ETomic General Contracting Construction Management, Inc., (ETomic) to perform ADA Improvements at the Borough Hall (Contract); and

**Whereas**, work was to be performed within a certain time period which was not done; and

**Whereas**, the Borough Engineer contacted ETomic and set a deadline to finish the work on or before November 21, 2014; and

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**Whereas**, a final notice was sent to ETomic by the Borough Engineer on or about December 3, 2014; and

**Whereas**, the work required by the Contract still has not been performed and has created issues affecting the public health, safety and welfare; and

**Now, Therefore, Be It Resolved**, by the Governing Body as follows:

1. That it does hereby declare ETomic to be in default of the Contract; and
2. That the Borough Engineer, Borough Attorney and any other appropriate officials are authorized to take such action as may be necessary and appropriate to cause the work under the Contract to be performed by another contractor in accordance with Law; and
3. That the Borough assert a claim against ETomic for all damages, costs and expenses that it has incurred by reason of ETomic's default herein.

**Resolution 14-352** Acceptance of Resignation of Sean Pospisil.

**Be It Resolved** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that it hereby accepts the resignation of Sean Pospisil from the position of Part Time DPW Laborer that he currently holds for the Borough of Allendale effective November 7, 2014.

**Resolution 14-353** Acceptance of the Resignation of Jonathan LaBianca

**Be It Resolved** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that it hereby accepts the resignation of Jonathan LaBianca from the position of Part Time Police Dispatcher that he currently holds for the Borough of Allendale effective November 15, 2014.

**Resolution 14-354** Establishment of Snow Removal Reserve Trust Fund Dedicated by Rider.

**Whereas**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

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**Whereas**, NJS 40A:4-62.1 provides for receipt of snow removal funds by the municipality to provide for the operating costs to administer this act; and

**Whereas**, NJS 40A:4-39 provides the dedicated revenues anticipated from the SNOW REMOVAL RESERVE TRUST FUND are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

**Now, Therefore, Be It Resolved** by the Governing Body of the Borough of Allendale, County of Bergen, New Jersey, as follows:

1. The Borough Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the SNOW REMOVAL RESERVE TRUST FUND NJS 40A:4-62.1.
2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

**Resolution 14-355** Approval of Settlement with Suburban Propane.

**Whereas** the Borough of Allendale (“Borough”) has submitted a claim to Suburban Propane, Inc. (“Suburban”) for a propane leakage incident which occurred at Crestwood Park on August 22, 2014;

**Whereas** the amount of the claim totaled Seven Thousand Eight Hundred Eighty-Six Dollars .80 cents (\$7,886.80) (“the claim amount”);

**Whereas**, Suburban through its claim representative has agreed to pay the claim amount in full;

**Now Therefore Be Resolved** by the Governing Body that it hereby authorizes a settlement for the full claim amount;

**Be It Further Resolved** that the Mayor and Municipal Clerk are authorized to sign a release, the form and substance of which is subject to review of the Municipal Attorney.

**Resolution 14-356** Resolution Terminating Employment Re: Director of Operations

**Whereas**, John Yakimik (“Employee”) was heretofore appointed as Director of Operations for the Borough of Allendale (“Allendale”); and

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**Whereas**, Employee is an “at will” employee of Allendale; and

**Whereas**, Allendale provided Employee with notice on December 5, 2014 that his employment would be terminated ninety (90) days thereafter, or on such earlier date as Employee may resign or secure alternative employment; and

**Whereas**, by adoption of this Resolution the Mayor and Council wish to memorialize the foregoing and to effectuate the termination of the employment of Employee on the terms recited herein; and

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Allendale as follows:

1. The employment of John Yakimik as Director of Operations for the Borough of Allendale be and hereby is terminated effective ninety (90) days from December 5, 2014, or on such earlier date as he may resign from his position, or secure alternative employment.

**Be It Further Resolved** that the Mayor, the Chief Financial Officer, the Acting Municipal Clerk and the Borough Labor Attorney are authorized to take all appropriate actions so as to implement this Resolution.

**Resolution 14-357** Approval of Raffle License #407 Ho-Ho-Kus Vol. Fire Dept. 50/50.

**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 Application No. RA: 407 as follows:

Ho-Ho-Kus Volunteer Fire Department  
On Premises 50/50 Raffle  
April 25, 2015  
7:00 p.m. – 11:00 p.m.  
Raffle Location: Guardian Angel Auditorium, 320 Franklin Turnpike,  
Allendale, NJ 07401

Prize: 50% of Raffle Proceeds

**Resolution 14-358** Approval of Raffle License #408 Ho-Ho-Kus Vol. Fire Dept. Tricky Tray.

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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 Application No. RA: 408 as follows:

Ho-Ho-Kus Volunteer Fire Department  
On Premises Tricky Tray Raffle  
April 25, 2015  
7:00 p.m. – 11:00 p.m.  
Raffle Location: Guardian Angel Auditorium, 320 Franklin Turnpike, Allendale, NJ 07401

Prize: 100 Baskets at approximately \$25-\$100 per basket.

**Resolution 14-360** Approval of Budget transfers.

Whereas, Budget Transfers are permitted during the last two months of the current year and the first three months of the following year;

Now Therefore, Be It Resolved, by the Mayor and Council of the Borough of Allendale that the following transfers be made between the 2014

Budget Appropriations:

DEPARTMENT	ACCOUNT NUMBER	FROM	TO
Mayor & Council, Other Expenses	4-01-20-110-063		\$1,000
Health Benefit Waiver	4-01-23-221-000		\$100
Police, S&W	4-01-21-180-063		\$40,000
Administration, S&W	4-01-20-100-012	\$1,100	
Salary & Wage Adjustments	4-01-30-411-012	\$40,000	
<b>Total Transfers</b>		<b>\$41,100</b>	<b>\$41,100</b>

Councilwoman White made a motion to approve the consent agenda as amended; seconded by Councilwoman McSwiggan.

On Roll Call: Aye – Bernstein, McSwiggan, Sasso, Strauch, White, Wilczynski.

*Unfinished Business:*

There was no unfinished business

*New Business:*

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**Councilwoman White** – Tendered a letter of resignation from her Council positions effective 11:59 p.m. on December 31, 2014.

*Committee Reports and Comments:*

**Councilwoman McSwiggan** – There will be a meeting of the Water Sewer and Public Utilities Committee on December 15<sup>th</sup>. At the last meeting the topic was preparation for the Renovation of the Ramsey water tank.

**Councilman Bernstein** – There will be a Public Safety Committee meeting on December 17<sup>th</sup> at 5:15 p.m.

**Councilman Strauch** – The Land Use and Construction Code Committee will meet on December 22<sup>nd</sup> at 8:00 a.m.

**Councilwoman White** – The Administration, Finance and Human Resources Committee met on December 10<sup>th</sup> and is reviewing the operating budget, and capital budget.

**Councilwoman Wilczynski** – Facilities, Parks and Recreation will meet again at the end of January to gear up for the coming season. ASA Board is all returning. Thank you to Richie and Ralph from the DPW for trimming evergreens at Crestwood Lake to fill the flowerpots Down Town with holiday greenery. They look beautiful.

**Councilman Sasso** – The Public Works committee conducted the 2015 road paving tour. We will be signing with a new recycling facility.

*Staff Reports:*

Mr. Bole – No report.

Mr. Valenzuela – The special meeting for December 29<sup>th</sup> has been advertised.

*Public Comments:*

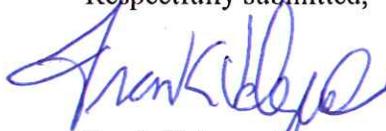
Ernest Cassidy, 143 Orchard St – Mr. Cassidy requested the Crestwood Lake fee be waved for the Disabled Veterans. Mrs. Wilczynski indicated that the fee would be waved and that the Facilities Committee is looking into waving the fee for all non-profits in the future.

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*Adjournment:*

On a motion by Councilman Strauch, seconded by Councilwoman White, the Council voted unanimously to adjourn at 8:45.

Respectfully submitted,



Frank Valenzuela  
Acting Municipal Clerk