

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
January 26, 2017

PRESENT: Mayor Elizabeth White and Councilmembers Liz Homan, Jackie McSwiggan, Steve Sasso, and Jim Strauch

ABSENT: Councilmembers Ari Bernstein and Amy Wilczynski

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 January 26, 2017. The meeting was called to order at 8:00 p.m. by Mayor White who asked that the Municipal Clerk read the open public meetings statement: "In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. The meeting dates for the year are confirmed at the Annual Meeting, are posted on the public bulletin board in the Municipal Building, published in the Record within the first 10 days of the New Year, and copies are sent to the Ridgewood News and Star Ledger."

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

Approval of Minutes:

Motion by Councilman Strauch, second by Councilman Sasso, that the Minutes of January 12, 2017 Work Session and January 12, 2017 Regular Session are approved.

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

Councilman Bernstein:	absent	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	aye
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	absent

Public Comment

No one came forward.

Resolutions

17-70/Amend 2017 Meeting Schedule

Mayor White explained that this resolution will amend the meeting schedule to move the March 9th Work and Regular Session to March 2, 2017.

Motion by Councilwoman Homan, second by Councilwoman McSwiggan, that Resolution #17-70 be approved.

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

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Councilman Bernstein:	absent	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	aye
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	absent

Resolution 17-70

BE IT RESOLVED that the 2017 Meeting Schedule adopted by Resolution #17-03 be amended to change the date of the March 9, 2017 Work and Regular Session to Thursday, March 2, 2017.

BE IT FURTHER RESOLVED that the Work Session will commence at 7:30 p.m. and the Regular Session will commence at 8:00 p.m. on Thursday, March 2, 2017.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to The Record, Star Ledger, and Ridgewood News, as well as be posted on the Borough Hall Bulletin Board and Borough Website.

Public Hearings for Advertised Ordinances:

Ordinance 17-01

The Municipal Clerk read into the record:

The following ordinance published herewith was first read by title only on January 5, 2017 and posted on the bulletin board of the municipal building.

ORDINANCE 17-01 – AN ORDINANCE TO AMEND CHAPTER 53 OF THE CODE OF THE BOROUGH OF ALLENDALE, “OFFICERS AND EMPLOYEES”, TO FIX THE SALARIES, WAGES AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF ALLENDALE FOR THE YEAR 2017.

Public Comments on Ordinance 17-01

No one came forward

Motion by Councilman Strauch, second by Councilman Sasso, that Ordinance 17-01 be passed on second and final reading and is hereby adopted and notice of same shall be published according to law.

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

Councilman Bernstein:	absent	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	aye
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	absent

(See Ordinance 17-01, attached and made a part hereof.)

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Ordinance 17-02

The Municipal Clerk read into the record:

The following ordinance published herewith was first read by title only on January 12, 2017 and posted on the bulletin board of the municipal building.

ORDINANCE 17-02 – BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR AFFORDABLE HOUSING, MUNICIPAL FACILITIES, RECREATION, OPEN SPACE AND OTHER MUNICIPAL PURPOSES IN, BY AND FOR THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$14,350,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Public Comments on Ordinance 17-02

No one came forward.

Motion by Councilwoman Homan, second by Councilman Sasso, that Ordinance 17-02 be passed on second and final reading and is hereby adopted and notice of same shall be published according to law.

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

Councilman Bernstein:	absent	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	aye
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	absent

(See Ordinance 17-02, attached and made a part hereof.)

Mayor White expressed her opinion that the acquisition of this property will be a major milestone for the Borough of Allendale. She thanked everyone for their help and cooperation.

Introduction of Ordinances:

Ordinance 17-03

Mayor White explained that this ordinance will need to be reintroduced as the proposed revisions are considered substantive. Thirty-five days will, again, need to be scheduled between introduction and adoption for referral to the Planning Board to determine consistency with the Master Plan.

Motion by Councilwoman McSwiggan that the following revised ordinance be introduced and passed on first reading and setting March 2, 2017 at 8:00 p.m. or as soon thereafter as the as the matter can be heard as the date and time and the Council Chambers of the Allendale Municipal Building as the place for a hearing on said ordinance. Second by Councilman Sasso.

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

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ORDINANCE 17-03 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF ALLENDALE, ZONING, CHAPTER 270 AND LAND SUBDIVISION AND SITE PLAN REVIEW, CHAPTER 147

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

Councilman Bernstein:	absent	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	aye
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	absent

Mayor White noted that a letter was received from the Planning Board Attorney advising that the Planning Board has reviewed the ordinance in its original form and found it to be consistent with the Master Plan. Councilman Sasso advised that the revised ordinance will be reviewed at the Planning Board meeting scheduled for February 15th at 8 p.m.

Consent Agenda

- A. **17-71**/Approval of Bill List
- B. **17-72**/Award Janitorial Services Contract – Guy’s Maintenance, Inc.
- C. **17-73**/Authorize Refund – Overpayment of 2016 Taxes – Block 1706 Lot 1
- D. **17-74**/Covenant to Comply with Provisions of Internal Revenue Code of 1986 & Designate \$1,122,000 Bond Anticipation Note As “Qualified Tax-Exempt Obligation”
- E. **17-75**/Award Professional Services Contract – Dewberry Engineers, Inc. – Special Engineering Services
- F. **17-76**/Authorize Budget Transfers
- G. **17-77**/Authorize Release of Funds from Housing Trust Fund – Eastern Christian Children’s Retreat

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

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

Councilman Bernstein:	absent	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	aye
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	absent

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

Resolution 17-71

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 January 26, 2017 in the amounts of:

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Current Fund	\$2,221,097.44
Payroll Account	\$563,212.76
General Capital	\$115,002.20
Animal Fund	\$672.40
COAH/Housing Trust	\$3,998.71
Improvement & Beautification	\$0.00
Unemployment Fund	\$0.00
Trust Fund	\$20,055.10
Water Operating	\$73,672.04
Water Capital	\$20,987.00
Total	\$3,018,697.65

Resolution 17-72

**Award of Janitorial Services Contract
to Guy's Maintenance, Inc.**

Whereas, the Borough finds the need to contract certain janitorial services; and,

Whereas, a Request for Quotes for 2017 Janitorial Services was sought by the Borough's Director of Operations; and

Whereas, the deadline to submit the quotations and pricing was December 23, 2016 at 12 noon; and

Whereas, Guy's Maintenance Co., Inc. was the only company which was responsive;

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that a contract for standard Janitorial Services be awarded to Guy's Maintenance Co., Inc. located at 49 Cherokee Avenue, Allendale, NJ 07401 for the term January 1, 2017 to December 31, 2017, in the amount of \$2,550.00 per month for a total yearly amount of \$30,600.00; and

Be It Further Resolved that the Borough also wishes to contract with Guy's Maintenance Co., Inc. for specialty services on an as-needed basis, not to exceed \$2,500 in total, for the term January 1, 2017 to December 31, 2017, in accordance with the pricing contained in their proposal.

Be It Further Resolved that this contract shall commence as of January 1, 2017 and conclude on December 31, 2017.

Resolution 17-73

OVERPAYMENT

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 2016 Taxes:

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Block/ Lot	Name	Property Location	Amount
1706/2	Columbia Bank Attn: Rose Mary Belen 19-01 Route 208 North Fairlawn, NJ 07410	60 Brookside Avenue	\$3,565.46

Resolution 17-74

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF ALLENDALE AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$1,122,000 BOND ANTICIPATION NOTE, DATED JANUARY 27, 2017, PAYABLE JANUARY 26, 2018, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Allendale, in the County of Bergen, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough desires to designate a \$1,122,000 Bond Anticipation Note, dated January 27, 2017, payable January 26, 2018 (the "Note"), as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

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NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Allendale, in the County of Bergen, New Jersey, as follows:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) said Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2017.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2017.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such

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original purchaser with a certificate of obligations issued during the calendar year 2017 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

Resolution 17-75

Awarding a Professional Services Contract to
Dewberry Engineers, Inc.

Whereas, the Borough of Allendale foresees the need for Special Project Engineering services during the year 2017; and,

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

Whereas, the professionals named herein will be required to execute a contract for the services to be rendered which shall set forth the compensation for such services therein; and,

Whereas, a Certification of availability of funds has been received from the Chief Financial Officer or that such funds will be encumbered by Purchase Order on an as-needed basis pursuant to the provisions of NJAC 5:30-5.4 et seq; and,

Whereas, in any instance where it is anticipated that the expenditure for each such professional service will exceed the sum of \$17,500 for said calendar year, the named professionals have completed, submitted and filed a Business Entity Certification Disclosure which certifies that the above named persons and/or entities have not made any reportable contributions to any political or candidate committee including (Republicans for Responsible Government, Allendale Republican Club, Allendale Democratic Club, Candidates for Allendale Municipal Government, Bergen County Democratic Organization, Bergen County Republican Organization) in the previous one (1) year, and that the contract will prohibit the above named professionals/business entities from making any reportable contributions through the term of the contract.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that a Professional Services Contract be and is hereby awarded to Dewberry Engineers, Inc. for Special Project Engineering; and,

Be It Resolved that the following appointment and contract commence immediately upon adoption of this resolution and expire on December 31, 2017; and,

Be It Further Resolved that this contract is being awarded as a non-fair and open contract, pursuant to the provisions of NJSA 19:44A-20.5; and,

Be It Further Resolved that the aforesaid appointments were made without competitive bidding under the provisions of NJSA 40A:11-5(1)(a) which excepts from competitive bidding Professional Services rendered by persons authorized by law to practice a recognized profession and whose practice is regulated by law; and,

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Be It Further Resolved that the appropriate Borough Officials be and they are hereby authorized to execute contracts with each of the professionals named herein for the services to be rendered; and,

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

Be It Further Resolved that a copy of this resolution be filed with the 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.

Resolution 17-76

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 & Council of the Borough of Allendale that the following transfers be made between the following 2016 Budget Appropriations:

DEPARTMENT	FROM	TO
Police, O.E.		\$1,000
Group Insurance, O.E.	\$1,000	
Workers' Compensation	\$500	
Insurance - Other		\$500
Totals	\$1,500	\$1,500

Resolution 17-77

**Borough of Allendale
Resolution Authorizing Payment to
Eastern Christian Children's Retreat**

WHEREAS, the Borough of Allendale ("Borough"), pursuant to its obligations under the provisions of the New Jersey Fair Housing Act and rules, regulations and other laws relating to same (the "FSHA"), and in furtherance of its as yet unknown third round fair share Mt. Laurel obligations, desires to contribute \$20,000 towards Eastern Christian Children's Retreat's ("Eastern Christian") acquisition of that real property knowns as 200 West Crescent Avenue, Allendale, New Jersey (the "Property") which acquisition shall serve to provide housing for adults with developmental disabilities, specifically a five (5) bedroom group home at the Property; and

WHEREAS, on January 5, 2017, the Superior Court of New Jersey entered a Consent Order approving the Borough's payment of \$20,000 to Eastern Christian from the Borough's affordable housing trust funds toward Eastern Christian's acquisition of the Property; and

WHEREAS, Eastern Christian has advised the Borough that its acquisition of the Property is scheduled to take place on or about January 31, 2017;

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NOW, THEREFORE, BE IT RESOLVED that payment of said \$20,000 by the Borough to Eastern Christian from the Borough's affordable housing trust funds be made for Eastern Christian's acquisition of the Property, and that the Mayor, the Borough Clerk and the Chief Financial Officer be and hereby are authorized to take any and all necessary and proper actions to effectuate such payment.

Unfinished Business:

There was no unfinished business.

New Business:

There was no new business.

Council Committee Reports and Comments

Councilman Strauch – Public Works

Councilman Strauch advised that the Public Works Committee met with Engineering yesterday to finalize the list of streets to be paved. He noted that with the help of Mike Vreeland, Melissa Daly, and Mayor White, each year the streets continue to be paved while staying within the capital budget. As Councilwoman Homan and Mayor White will not be available to attend the Public Works Committee meeting originally scheduled for February 1st, it was decided to reschedule this meeting for February 15th at 8 a.m.

Mayor's Report

Mayor White thanked the Allendale Volunteer Ambulance Corps for inviting the governing body to their Annual Dinner and commented that she had a wonderful time. She wished them well on their 80th anniversary. She also attended the Bourbon Tasting that was held at the Fell House and remarked that it was an outstanding event. She expressed her opinion that the Fell House is one of Allendale's treasures and this event is one of the many fundraising events held to help raise money for the upkeep of the property.

Councilwoman McSwiggan announced that there will be a wine tasting held there on Sunday at 2 p.m.

Mayor White reported that she attended several internal meetings, one of which was with PSE&G to discuss upcoming projects in town. She advised that she and Councilwoman McSwiggan attended a ribbon cutting for Learning Commons at Brookside School, commenting that they did an outstanding job. She noted that this area is no longer referred to as the Library and the number of books has been greatly reduced.

Councilwoman McSwiggan added that many of the books have been moved into the classrooms. She advised that this renovation was especially meaningful as the students were involved in the process.

Mayor White thanked CFO Mayer for the time spent in preparing for the adoption of tonight's bond ordinance. She also thanked Municipal Clerk Dodd for preparing instruction sheets that help keep her on track during the meetings.

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Staff Reports:

Ray Wiss, Municipal Attorney, advised that a lot of time has been spent on the contract in connection with the Bond Ordinance that was adopted this evening. He noted that although a few issues are currently being addressed, they are moving in an orderly fashion towards a successful closing. The closing for the 200 West Crescent Avenue site is scheduled for January 31st and Resolution #17-77 fulfills the Borough's commitment by authorizing the contribution of \$20,000 from the Borough's Housing Trust, the release of which was approved by the court. He expressed his opinion that they are headed in a positive direction towards resolving the Northern Highlands lighting matter as he believes that a good compromise has been reached. In terms of the COAH litigation, he advised that an order to extend the Borough's immunity until April 30th has been granted. He noted that he will be working with the Planner and Court Master to determine how to address the fair share number to which the Borough is obligated, noting that the plans for 200, 220 and 230 West Crescent will help in this respect.

Anne Dodd, Municipal Clerk, advised that there will be a meeting held at the County on February 23rd to review this year's election process and timeline. She stated that she will be receiving the petitions to run for Council at that time. She further advised that she will be working with the Board of Elections to relocate Districts 2 and 4 as Guardian Angel Church will no longer be available as a polling place.

Ron Kistner, Administrative Officer/Director of Operations, advised that he has no report.

Alissa Mayer, CFO, advised that she has no report.

Public Comment on any issue:

No one came forward.

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 8:20 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk