

Mayor and Council of the Borough of Allendale
Regular Session Meeting Minutes
July 14, 2016

PRESENT: Mayor Elizabeth White and Councilmembers Ari Bernstein, Liz Homan, Jackie McSwiggan, Steve Sasso, and Amy Wilczynski

ABSENT: Councilmember Jim Strauch

ALSO PRESENT: Borough Attorney Thomas Bouregy
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 July 14, 2016. The meeting was called to order at 8:02 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 Bernstein, second by Councilwoman Wilczynski, that the Minutes of June 23, 2016 Work Session and June 23, 2016 Regular Session are approved.

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

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

Public Comment

Michael Tatt, W. Allendale Avenue, advised that he has contacted a group centered in Mahwah that is concerned about the Pilgrim Pipeline. He requested that the Council adopt either a resolution or an ordinance expressing the Borough's conviction that the pipeline would pose a threat to resources and the well-being of the residents and environment.

Mayor White responded that this group attended a Council meeting a few years ago and the Borough receives notification of their meetings and a representative of the Borough usually does attend. She noted that she will discuss this matter with the Public Safety Committee.

Swearing In of Police Officer

16-192/ Authorize Hire of Police Officer

Mayor White thanked Chief Scherb and his team. She noted that there were a great number of outstanding candidates and expressed her belief that they have chosen the best.

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Councilwoman Homan thanked Chief Scherb for taking the lead in this search. She expressed that she is thrilled that Alexander Helmer will not only be joining the Police Department, but the Allendale family as he stood out among the candidates.

Motion by Councilwoman Homan, second by Councilman Bernstein, that Resolution #16-192 be approved.

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

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

Resolution 16-192

Authorization to Hire Patrol Officer

Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, upon recommendation of the Chief of Police and Public Safety Committee that Alexander Helmer is hereby appointed as police officer of the Allendale Police Department effective July 22, 2016 at the annual salary of \$35,000.00.

Oath of Office to Police Officer Alexander Helmer

Mayor White administered the Oath of Office to Police Officer Alexander Helmer.

Public Hearings for Advertised Ordinances:

Ordinance 16-20

The Municipal Clerk read into the record:

The following ordinance published herewith was first read by title only on June 9, 2016 and posted on the bulletin board of the municipal building.

ORDINANCE 16-20 – BOND ORDINANCE TO AMEND SECTIONS 4.B AND 4.C OF THE BOND ORDINANCE (ORD. NO. 15-05) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF ALLENDALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$479,000 TO PAY THE COST THEREOF, TO FULLY OR PARTIALLY FUND APPROPRIATIONS FROM THE RESERVE FOR WATER CAPITAL INFRASTRUCTURE, 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," ADOPTED ON MARCH 12, 2015.

Public Comments on Ordinance 16-20

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No one came forward.

Motion by Councilwoman McSwiggan, second by Councilwoman Wilczynski, that Ordinance 16-20 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:	aye	Councilman Sasso:	aye
Councilwoman Homan:	aye	Councilman Strauch:	absent
Councilwoman McSwiggan:	aye	Councilwoman Wilczynski:	aye

(See Ordinances 16-20, attached and made a part hereof.)

Introduction of Ordinances

Motion by Councilwoman McSwiggan that the following ordinance be introduced and passed on first reading and setting July 28, 2016 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:

ORDINANCE 16-21 – AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE CHAPTER 248 OF THE CODE OF THE BOROUGH OF ALLENDALE ENTITLED “VACANT/ABANDONED PROPERTIES”, AND MORE PARTICULARLY, SECTION 248-7 THEREOF, ENTITLED “VACANT PROPERTY ESCROW SCHEDULE”

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

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

(See Ordinances 16-21, attached and made a part hereof.)

Consent Agenda

- A. **16-193**/Approval of Bill List
- B. **16-194**/ Authorize Mayor to Sign Participation Letter for Allendale’s Woman’s Club – National Ovarian Cancer Awareness Month
- C. **16-195**/Award Contract – DPW Environmental Services 2016
- D. **16-196**/Approve Amendment to Agreement – O’Brien’s Response Management, LLC
- E. **16-197**/Certify 2015 Audit
- F. **16-198**/Approve “Corrective Action Plan” – Fiscal Year 2015 Audit Report
- G. **16-199**/Award Contract – DPW Mechanic Service Truck
- H. **16-200**/Support S-2254 & A-3821 Reaffirming Legislative Intent of Fair Housing Act
- I. **16-201**/Authorize Salaries – Crestwood Lake Swim Club 2016 Season
- J. **16-202**/Authorize Refunds – 2013 – 2015 State Tax Board Judgments
- K. **16-203**/Adopt 2016 Personnel Manual
- L. **16-204**/Accept Resignation of Full-Time Dispatcher – Allendale Police Department

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- M. **16-205**/Appoint Full-Time Dispatcher – Allendale Police Department
- N. **16-206**/Approve Salary Increase – Peter McFarren
- O. **16-207**/Approve Board Appointments

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

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

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

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

Resolution 16-193

List of Bills

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby approves the Bill List dated July 14, 2016 in the amounts of:

Current Fund	\$1,292,185.83
General Capital	\$50,024.32
COAH/Housing Trust	\$2,293.75
Water Operating	\$0.00
Water Capital	\$18,708.78
Trust Fund	\$6,223.25
Payroll	\$419,560.50
Animal Fund	\$10.20
Unemployment Fund	\$12.60
Total	\$1,789,019.23

Resolution 16-194

Authorize Mayor to Sign Participation Letter

Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that the Mayor is hereby authorized to sign the Letter of Participation for the Allendale Woman’s Club to participate in the Turn The Towns Teal campaign in support of National Ovarian Cancer Month in September 2016; and

Be It Further Resolved that a Hold Harmless Agreement will be obtained for the event.

Resolution 16-195

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WHEREAS, the Borough requires environmental services to address remedial groundwater activities and management at the Borough's DPW Site located at New Street; and

WHEREAS, Dewberry Engineers, Inc., has submitted a proposal for such services dated May 10, 2016, which the Public Works Committee finds acceptable and which has been recommended to the Governing Body; and

WHEREAS, Dewberry Engineers, Inc., is duly qualified and is available to perform such services; and

WHEREAS, the Chief Financial Officer has attached hereto a Certification pursuant to NJAC 5:30-5.4 that adequate funds are available to pay for the Contract;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that it does hereby award a Contract to Dewberry Engineers, Inc., of Parsippany, New Jersey in the amount of \$6,265.00; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are authorized to sign the Dewberry proposal or an appropriate agreement to reflect these services; and

Resolution 16-196

Approval of Amendment to Agreement for Purchasing

Be It Resolved that the Mayor is hereby authorized to sign the Amendment of Agreement with the O'Brien's Response Management L.L.C. to Purchase Services for a period of an additional year to expire December 31, 2016.

Resolution 16-197

Review of Annual Audit

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 2015 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,

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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; and,

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 N.J.A.C. 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.

Resolution 16-198

Approval of Corrective Action Plan

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

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

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

Now, Therefore, Be It Resolved that the Governing Body of the Borough of Allendale hereby approves the “Corrective Action Plan” for the fiscal year 2015 Audit Report submitted by the Chief Financial Officer.

Resolution 16-199

Award of Contract to Chastang Ford – Mechanic Service Truck

Whereas, the Borough of Allendale is and remains a bona-fide member of the Houston-Galveston Area Council Cooperative Purchasing Program (H-GAC); and,

Whereas, the Borough has approved and advertised a “Notice of Intent to Award” under a National Cooperative Pricing System pursuant to Local Finance Notice 2012-10; and,

Whereas, a cost-benefit analysis has been executed by the Borough's Finance Committee and Public Works Committee; and,

Whereas, the funding for such expenditure is now in place and the Borough wishes to move forward with acquiring new mechanic service truck.

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 awards a contract through H-GAC to Chastang Ford for a 2017 F-450 Mechanic Service Truck in the amount of \$53,841.00 pursuant to contract HT06-16 and quotation prepared on June 13, 2016.

Resolution 16-200

**SUPPORT SENATE BILL S-2254 AND ASSEMBLY BILL A-3821
WHICH AFFIRMS THE LEGISLATIVE INTENT
OF THE FAIR HOUSING ACT**

WHEREAS, the Borough of Allendale supports the provision of affordable housing in a reasonable, rational and achievable way, consistent with economic realities and sound planning; and

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, hundreds of municipalities filed declaratory judgment actions to voluntarily comply with their State imposed affordable housing requirements; and

WHEREAS, hundreds of New Jersey's municipalities have expended significant financial and other administrative resources, a direct result of the State's failure to advance viable regulations or enact overdue legislative reform; and

WHEREAS, the Borough of Allendale alone has spent approximately \$85,000 from its Housing Trust Account since January 2015 to defend a third round certified plan; and

WHEREAS, recently the Ocean County Superior Court included a distinct "gap period" analysis retroactively over an additional 16 year period, separate and apart from the normal 10 year present and prospective need; and

WHEREAS the Fair Housing Act (FHA) and existing case law, requires that "present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period." [N.J.S.A. 52:27D-307(c)]; and

WHEREAS, the "gap issue" arises out of COAH's inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need, as well as constant litigation by certain groups; and

WHEREAS, any retroactive "gap" obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need and will likely result in forcing municipalities and their property taxpayers to subsidize development; and

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WHEREAS, Senate Bill S-2254 sponsored by Senators Greenstein and Bateman and Assembly Bill A-3821, sponsored by Assemblymen DeAngelo and Benson, re-affirm the legislative intent of the Fair Housing Act so as to preclude significant, unfair impacts and instead progress toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities, facilitate municipal compliance and the provision of affordable housing.

- NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Allendale in the County of Bergen, that:
1. The Borough of Allendale strongly urges New Jersey Legislators to reaffirm the legislative intent of the Fair Housing Act (FHA) immediately and clarify that affordable housing need is the sum of present and prospective need for a ten year period.
 2. The Borough of Allendale supports Senate Bill S-2254 and Assembly Bill A-3821.
 3. Copies of this resolution be distributed to the Governor and Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, District 40 State Senator and Assembly Representatives, the New Jersey League of Municipalities, and all Bergen County Municipalities.

Resolution 16-201

2016 Crestwood Lake Salary Resolution – Supplement Four

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby hires the following individuals effective July 2, 2016 at the corresponding rates of pay for the Crestwood Lake Swim Club 2016 Season as follows:

Robine Arami	Sub Lifeguard	\$8.50 per hour
Brayden Hascup	Sub Lifeguard	\$8.50 per hour
Laura Periera	Sub Lifeguard	\$8.50 per hour
Mikaya Covello	Sub Gate Person	\$8.40 per hour

Be It Further Resolved that the following individuals be hired effective July 5, 2016 at the corresponding rates of pay for the Crestwood Lake Swim Club 2016 Season as follows:

Danielle Dougherty	Sub Lifeguard	\$8.50 per hour
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Resolution 16-202

State Board Judgment

BE IT RESOLVED, by the Council of the Borough of Allendale that the Tax Collector is hereby authorized to issue the following overpayment check due to State Board Judgments for the tax years 2013, 2014 & 2015:

Block/Lot	Name	Amount
<u>2013</u>		
1406/16	Matthew Rogers, Esq. 123 Prospect Street Ridgewood, NJ 07450	\$235.70

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2014

1406/16	Matthew Rogers, Esq. 123 Prospect Street Ridgewood, NJ 07450	\$238.30
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2015

1406/16	Matthew Rogers, Esq. 123 Prospect Street Ridgewood, NJ 07450	\$224.50
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Resolution 16-203

Adoption of 2016 Personnel Manual

Whereas, the Finance, Administration, and HR Committee in consult with the Administrative Officer have conducted their annual review of the Borough's Personnel and Employment Policy Manual; and,

Whereas, certain changes (attached hereto) to said manual are now being recommended for approval by Mayor and Council.

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 adopts the 2016 Personnel and Employment Policy Manual as presented and recommended by the Finance, Administration, and HR Committee.

Resolution 16-204

Accept the Resignation of Full-Time Dispatcher

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 Christopher Formisano Full-Time Dispatcher with the Allendale Police Department, effective July 18, 2016.

Resolution 16-205

Appointment of Full-Time Police Dispatcher

Whereas, a need for a full-time Dispatcher in the Allendale Police Department exists due to a resignation;

Whereas, Ryan John Berger is currently a part time Dispatcher in the Allendale Police Department.

Now, Therefore Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, upon recommendation of the Chief of Police, that Ryan John Berger is hereby appointed as full-time Dispatcher of the Allendale Police Department effective July 18, 2016 at an annual salary of \$32,432.00; and

Be It Further Resolved that accompanying hourly pay rate is set at \$15.59 per hour; and

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

Resolution 16-206

Salary Resolution

Whereas, Peter McFarren was appointed as a Lifeguard for the Crestwood Lake Swim Club 2016 Season via Resolution #16-141; and

Whereas, Peter McFarren obtained his Water Safety Instructor certification which entitles him to additional compensation.

Now, Therefore, Be It Resolved by the Governing Body of the Borough of Allendale that Peter McFarren be granted an increase in pay to \$9.75 per hour effective May 1, 2016.

Resolution 16-207

Board Appointments

Be It Resolved that the following individuals are appointed to the named Board or Commission for the period specified:

<u>Planning Board</u>	<u>Position</u>	<u>Term Expires</u>
Matt O'Toole	Alternate No. 2	12/31/2017
<u>Board of Adjustment</u>	<u>Position</u>	<u>Term Expires</u>
Larry Stephen	Alternate No. 1	12/31/2017

Unfinished Business:

There was no unfinished business

New Business:

There was no new business

Council Committee Reports and Comments

Councilwoman Homan – Public Safety

Councilwoman Homan thanked Councilman Bernstein for walking her through the hiring process and expressed that it was a great opportunity to participate in this process.

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Councilwoman McSwiggan – Water, Sewer and Public Utilities

Councilwoman McSwiggan advised that the Water, Sewer and Public Utilities Committee will meet next Tuesday. She noted that they considered moving to Phase 2 Water Restrictions as water use was at an all-time high in June. They, instead, placed a reverse 911 call reminding residents of the restrictions that are currently in place and she commented that residents have responded beautifully. She expressed her hope that they can get through the summer without having to move to Phase 2.

Mayor White explained that they have tasked the Property Maintenance Officer and Public Safety team to notify anyone watering on Mondays that they are in violation of these restrictions.

Councilman Sasso - Land Use and Construction Code

Councilman Sasso reported that the Land Use and Construction Code Committee will be meeting with the Borough Planner on Monday. They may look into addressing off-street parking as well as implementing a permitting process for sidewalks.

Councilman Bernstein – Administration, Finance and Human Resources

Councilman Bernstein advised that the Administration, Finance and Human Resources Committee met on July 5th. He noted that they spent a large amount of time discussing the Personnel Manual and expressed his appreciation to everyone involved for their efforts. He further advised that they discussed the process for drafting ordinances and the decision was that although the pro forma ordinances can be handled by the Borough Clerk, ordinances in general should be drafted by the Borough Attorney rather than the members of the committee.

Mayor White stated that the Borough Clerk will be moving ahead with authorizing the latest supplement to the Borough Code in order to incorporate the ordinances that have been adopted to date.

Councilwoman Wilczynski – Facilities, Parks and Recreation

Councilwoman Wilczynski reported that there will be a softball tournament this weekend at Crestwood Lake. She commented that the concert series is going very well. The Library will be sponsoring a Carole King tribute concert this Saturday and the Allendale band Midlife Crisis will also be playing this Saturday.

Mayor White reminded everyone that the concerts are free and one does not have to be a member of Crestwood Lake to attend. She thanked the Holiday Observers for the magnificent fireworks display as well as all emergency services who worked this event, commenting that this event could not have taken place without them.

Staff Reports:

Ray Wiss, Municipal Attorney, noted that the Appellate Division has issued an opinion that is favorable to municipalities in terms of their COAH obligation. He expressed his hope that the decision will be upheld by the Supreme Court as having the gap period excluded will greatly reduce exposure for municipalities. He further advised that he received a court order extending the Borough's immunity period from builder's remedy lawsuits through September 30th.

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Anne Dodd, Municipal Clerk, advised that she has received an estimate for the latest supplement to the Borough Code for which she has given authorization to proceed. She reported that she continues to review the files in her office to better organize them and determine what can be destroyed.

Public Comment on any issue:

Michael Tatt, W. Allendale Avenue, expressed his opinion that the concerts at the Library need to be better advertised.

Mayor White responded that this issue was discussed at the last Library Board meeting and it was decided that the concerts will be held at Crestwood Lake rather than at the Library in order to draw a larger crowd.

Closed Session:

Mayor White read into the record Resolution 16-208.

BE IT RESOLVED in compliance with N.J.S.A. 10:4-12, the Mayor and Council of the Borough of Allendale entered into Closed Executive Session to discuss the following matters:

A. Pending & Prospective Litigation

Minutes will be taken of the meeting and released to the public at the time that the matter is resolved. After Closed Executive Session, the Mayor and Council will reconvene in the Council Chambers to adjourn this public meeting.

There being no further business to come before the Council, on a motion from Councilwoman McSwiggan, seconded by Councilman Sasso, and all present voting in favor, the meeting was adjourned to the Closed Executive Session in the Council Chambers at 8:28 p.m.

Adjournment:

There being no further business to come before the Mayor and Council, on a motion by Councilwoman McSwiggan, second by Councilwoman Wilczynski, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:17 p.m.

Respectfully submitted,

Anne Dodd, RMC
Municipal Clerk